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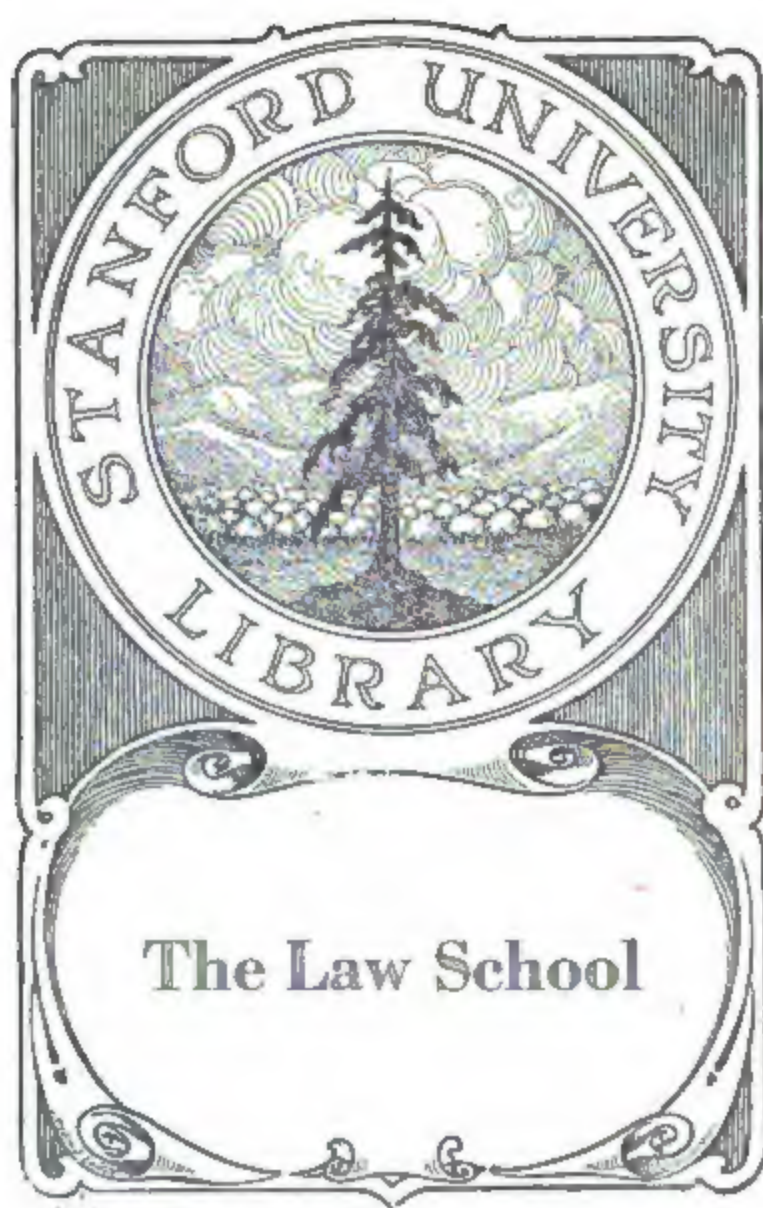
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Ohio Collection

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THE STATE OF OHIO.

GENERAL AND LOCAL ACTS

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SIXTY-EIGHTH GENERAL ASSEMBLY

AT ITS ADJOURNED SESSION,

Begun and Held in the City of Columbus, January 8th, 1889.

VOLUME LXXXVI.

COLUMBUS:

THE WESTBOTE COMPANY, STATE PRINTERS.
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GENERAL LAWS.

[Senate Bill No. 273.]

AN ACT

To amend section 6831 of the Revised Statutes of Ohio, defining offenses against property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6831 of the Revised Statutes, as amended April 14, 1886 (83 v., p. 81), be amended so as to read as follows:

Sec. 6831. Whoever maliciously burns, or attempts to burn, any dwelling house, kitchen, smoke house, shop, office, barn, stable, storehouse, warehouse, railroad coach or car, malt house, still house, mill, pottery or any other building, the property of another person, or any church, meeting house, court house, work house, school house, jail or the Ohio penitentiary, or any shop, store house or building, within the inclosed walls thereof, or any other public building, or any ship or other water craft, or any toll bridge or any part thereof, erected across any river, wholly or partly within this state, or any other bridge erected across any of the waters within this state, or sets fire to or attempts to set fire to anything in or near to any such building, coach or car, water craft or bridge, with intent to burn the same, shall, if the value of any such building, coach or car, water craft or bridge, burned, attempted or intended to be burned, is fifty dollars or more, be imprisoned in the penitentiary not more than twenty years, or if the value is less than that sum, be fined not more than two hundred dollars, or imprisoned not more than thirty days, or both.

SECTION 2. Said original section 6831 is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 15, 1889.

[Senate Bill No. 348.]

AN ACT

To amend section 1271 of the Revised Statutes of Ohio, as amended April 7, 1882, relative to appointment and compensation of assistant prosecuting attorneys.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1271 of the Revised Statutes of the state of Ohio, as amended April 7, 1882, be amended to read as follows:

Assistant prosecuting attorneys may be appointed in Hamilton, Cuyahoga and Lucas counties.

Compensation.

Term.

Sec. 1271. In Hamilton county the presiding judge of the court of common pleas, the presiding judge of the superior court of Cincinnati, and the probate judge, may appoint a first assistant and second assistant prosecuting attorney. In Cuyahoga county the judges of the court of common pleas may, on the recommendation of the prosecuting attorney, appoint two assistant prosecuting attorneys, who shall also be assistant county solicitors; and said judges may, from time to time, appoint such special assistants to aid the prosecuting attorney, as in their opinion the public business may require, who shall be paid out of the treasury of the county on the warrant of the county auditor, such sum as the court may approve and order. And in Lucas county the senior judge of the court of common pleas, residing therein, may appoint an assistant prosecuting attorney; such assistant prosecuting attorneys shall receive such salary as shall be fixed by the judge or judges appointing them, not exceeding in Hamilton county, twenty-five hundred dollars to the first assistant, or eighteen hundred dollars to the second assistant per year, and not exceeding in Cuyahoga county twenty-five hundred dollars, nor less than two thousand dollars per year, and not exceeding in Lucas county, twelve hundred dollars per year; such salary shall be paid out of the treasury of the county on the warrant of the auditor. The term of appointment for assistant prosecuting attorney shall be for one year from and after the day of appointment, and when there is a vacancy the appointing judge or judges may renew the appointment.

SECTION 2. That [said] section 1271, as amended April 7, 1882, is hereby repealed; this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed January 18, 1889.

[Senate Bill No. 159.]

AN ACT

To prevent any person from unlawfully using or wearing the insignia of civic or religious societies in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person who shall willfully wear the insignia of any of the civic or religious societies of this state, or shall use or wear the same to obtain aid or assistance thereby within this state, unless he shall be entitled to use or wear the same, under the rules and regulations of such civic and religious societies, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for a term not exceeding sixty days, or be fined in any sum not exceeding twenty-five dollars, or both at the discretion of the court.

Insignia of
civic or reli-
gious societies.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 21, 1889.

[Senate Bill No. 303.]

AN ACT

To provide for the payment of one half the taxes received from foreign insurance companies, in counties containing a city of the first grade of the first class, to the police relief fund of such city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurers of counties containing a city of the first grade of the first class shall, semi annually, at the time of their semi annual settlement with the auditors of their respective counties, pay over to the treasurer of such city one half of the amount to which such city is entitled, under its annual levy to receive, of all the taxes paid into the treasuries of their respective counties by foreign insurance companies on their gross receipts, under the provisions of section[s] 2745 of the Revised Statutes, during the half year preceding such semi annual settlement; and the money so paid over to the city treasury shall be credited to the police relief fund of such city, and shall be controlled, administered and disbursed in accordance with the provisions of sections 1903, 1904, 1905 and 1906 of the Revised Statutes, as passed March 30, 1886.

Taxes on for-
eign insurance
companies in
certain cities.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 21, 1889.

[House Bill No. 855.]

AN ACT

To make appropriations, for legislative expenses and to pay salary of clerk of the supreme court up to Feb. 15th, 1889.

Appropriations for legislative expenses and salary clerk supreme court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund, not otherwise appropriated, for the purposes hereinafter specified, to-wit:

For salaries of members of the general assembly, per diem of clerks, sergeant-at-arms, and employes, thirty thousand dollars (\$30,000.00). Contingent expenses of house of representatives, five hundred dollars (\$500.00).

Contingent expenses of senate, five hundred dollars (\$500.00).

To pay salary of clerk of supreme court, twelve hundred and fifty dollars (\$1250.00).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 21, 1889.

[Senate Bill No. 91.]

AN ACT

To amend section 5437 of the Revised Statutes of Ohio, as amended April 18, 1882 (79 O. L., 107.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5437 of the Revised Statutes of Ohio, as amended April 18, 1882, be amended so as to read as follows:

Homestead for decedent's family.

Sec. 5437. On petition of executors or administrators to sell, to pay debts, the lands of a decedent who has left a widow, or a minor child, unmarried, and composing part of the decedent's family at the time of his death, the appraisers shall proceed to set apart a homestead as provided in the next section, and the same shall, except as otherwise provided in section 6155 of the Revised Statutes, remain exempt from sale on execution, and exempt from sale under any order of the court, so long as the widow, if she remain unmarried, or any unmarried minor child of said decedent resides thereon.

SECTION 2. That section 5437 of the Revised Statutes, as amended April 18, 1882, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 22, 1889.

[House Bill No. 221.]

AN ACT

To authorize cities of the third grade of the first class to borrow money and issue bonds therefor, for the purpose of procuring territory and right of way, sinking wells for natural gas, purchasing wells and natural gas works, purchasing and laying pipes, and supplying such cities with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the third grade of the first class in the state of Ohio shall be, and is hereby authorized to issue its bonds for an amount not exceeding seven hundred and fifty thousand dollars, for the purpose of procuring territory, right of way, sinking wells for natural gas, purchasing wells and natural gas works, purchasing and laying pipes, with all necessary fixtures, attachments, machinery, and for constructing the necessary buildings to supply such city and the citizens thereof with natural gas for public and private use and consumption.

Cities third grade, first class, authorized to issue natural gas bonds; Toledo.

SECTION 2. Before such bonds, or any of them shall be issued by any such city, the question of issuing the same shall be submitted to a vote of the qualified electors of such city, at any general or municipal election to be held therein; and at such election separate ballots shall be provided and used by the voters upon said question. The tickets voted shall have written or printed thereon the words: "Authority to issue natural gas bonds—Yes"; or, "Authority to issue natural gas bonds—No." If the proposition to issue bonds be approved by sixty per cent. of those voting upon the proposition, such city shall have authority to issue such bonds for the purposes named, as provided in this act.

Question of issue to be submitted to vote.

SECTION 3. The mayor of any such city, before the next general or municipal election after the passage of this act, shall cause public notice of the submission of said question to be published in all the newspapers published and of general circulation therein, for at least ten days prior to such election. And said election shall be held, proclamation thereof and returns thereof made, in all respects, not otherwise herein provided, as municipal elections are now required by law to be held and returned in such cities.

Notice and conduct of such election.

SECTION 4. Said bonds when so authorized, shall be issued according to the provisions of an ordinance to be by the common council passed for that purpose, in denominations not less than five hundred dollars and not more than one thousand dollars, payable at such times, not less than ten years, and not exceeding thirty years from the date of the issue thereof, with interest not to exceed four and one-half per cent. per annum, payable semi-annually, principal and interest payable at such place as may be by said ordinance provided for, and such bonds shall have attached thereto coupons representing the interest to accrue thereon, Said bonds shall in all cases express upon their face the purposes for which, and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of such municipality,

Issue of bonds: denomination.

with the seal thereof impressed thereon, and shall be sold according to law, and for no less than their face value.

Limitation on
such issue.

SECTION 5. No more of said bonds in any case shall be issued or sold than is necessary for, and required by the actual and necessary cost and expense of procuring the necessary grounds, sinking such number of wells as may be required for the purposes named, the purchase of wells and natural gas works, purchasing and laying of pipes, and the right of way therefor, and such other necessary attachments, fixtures, machinery and structures, as may be requisite to carry into effect the provisions of this act. And such bonds shall be sold from time to time as the works progress, and in such amounts as shall be required for the proper progress and final completion of such work. All proceeds and moneys arising from such bonds shall be used exclusively for, and applied to, the payment of the work, labor, material and other expenses necessary for the supply of gas for the purposes aforesaid. But not more than seventy-five thousand dollars of said bonds shall be issued or sold for the purpose of paying the cost and expense of procuring the necessary gas territory, and sinking and purchasing such number of wells as may be required for the purposes named; provided, that the common council of any such city may, by ordinance, authorize the trustees of gas-works to increase said cost and expense to a total amount not in excess of one hundred and fifty thousand dollars, and may authorize the further issue and sale of said bonds for such purpose to the extent of an additional seventy-five thousand dollars.

Application of
proceeds of
bonds.

Payment of the
principal and
interest

SECTION 6. All moneys collected or received by the trustees of gas works of such cities, respectively, from the consumers of such gas, after paying the necessary running expenses thereof, shall be applied to the payment of such bonds and interest. And the council of such municipality is hereby authorized to levy a tax annually, not exceeding one and one-half mills on the dollar valuation, on the taxable property within any city, affected by this act, in addition to the tax now by law authorized to be levied therein, in such amount as will each year be sufficient with the net income of such gas works, to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual redemption of such bonds.

Sinking fund.

SECTION 7. All moneys so applicable to the payment of such bonds, which shall come into the hands of the trustees of gas works, before such bonds or any of them become due, shall be used to purchase such bonds or invested under the order of the sinking fund trustees of such city, and the bonds so purchased, or the evidences of the investments so made shall be delivered by said gas works trustees as soon as the transaction is completed, to the sinking fund trustees of such city, who shall place the same to the credit of said bonded debt, and use the same as required, for the extinguishment of the debt created under this act and for no other purpose.

Trustees; how
appointed;
duties

SECTION 8. If any election hereinbefore provided for shall appear by the returns thereof to be in favor of the issue of such bonds, the mayor of such city shall certify such fact, under the seal of such city, to the governor of the state of Ohio, who

thereupon shall appoint for such city a board of trustees composed of five citizens of said city, no more than three of whom shall belong to one political party, one of whom shall be appointed for one, one for two, one for three, one for four and one for five years. And the board so appointed shall have charge of the purchase, construction and management of the gas works provided for by this act for such city, and shall hold their offices until their successors are elected and qualified. Any vacancy occurring in such board prior to the next general or municipal election shall be filled by appointment by the mayor of such city, subject to approval by the common council thereof.

SECTION 9. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 22, 1889.

[Senate Bill No. 238.]

AN ACT

To authorize certain cities to borrow money and issue bonds therefor, for the purpose of buying or leasing lands, sinking wells for natural gas, purchasing and laying pipes, and supplying such cities and the citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the fourth grade and second class, situate wholly in any county which at the last federal census had a population of not more than forty thousand five hundred, and not less than forty thousand four hundred and ninety, or which at any future federal census may have such population, be and the same is hereby authorized and empowered to purchase or lease lands, to an extent necessary for the purpose of sinking wells thereon for natural gas, to purchase and lay pipes and procure the right of way for laying the same, to erect, construct and furnish the necessary buildings, fixtures and machinery for the purpose, and to furnish such city and the citizens thereof with natural gas for public and private use and consumption. Provided, however, that the provisions of this act shall not be operative if the indebtedness authorized by this act, and including the amount of the other indebtedness of such city shall exceed seven per cent of the tax duplicate valuation of the property of such city.

Cities, fourth grade, second class, authorized to purchase or lease land for natural gas.

SECTION 2. That to provide the money necessary to carry out the provisions of the first section of this act, the city council of any such city is hereby authorized and empowered to borrow not exceeding one hundred and thirty thousand

Bonds may be issued: denomination

(\$130,000) dollars, and issue the bonds of the city therefor. Such bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars, said bonds and interest payable at such place, and at such times, not exceeding fifteen years from the date of issue, as the city council may by resolution determine, which bonds shall bear interest at a rate not exceeding six per cent. per annum. They shall express upon their faces the purpose for which and designate the act under which issued. They shall be signed by the mayor, with the seal of the city attached and shall be countersigned and registered by the city clerk, and shall be sold in all respects in accordance with the provisions of section 2709, of the Revised Statutes of Ohio.

Sinking fund.

SECTION 3. If the revenues derived from the sale of said gas be not sufficient to meet the principal and interest of said bonds as they become due, then the council of said city is hereby authorized and required to levy a tax annually not exceeding five mills on the dollar on the taxable property of said city in addition to the other taxes authorized to be levied, in such amounts as will each year be sufficient to pay the bonds and interest then falling due, and to provide a sinking fund for the gradual extinguishment thereof. After the complete extinguishment of said debt, the proceeds arising from the sale of such gas shall be applied to the payment of the current expenses of said city or otherwise as the council of said city may direct.

Special election.

SECTION 4. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such city at a special election, to be held at such time as the council of such city may appoint, and at the usual places of voting in such city. The tickets voted at such election shall have written or printed thereon the words, "For Natural Gas Bonds—Yes"; or "For Natural Gas Bonds—No." If the proposition to issue bonds be approved by two-thirds or more of those voting thereon at such election, then such city shall have authority to issue such bonds for the purposes named, and as provided in this act. Notice of such special election shall be published in two newspapers published in or circulating in such city, for not less than ten days prior to such election, which shall, in all respects not otherwise herein provided, be managed and controlled as municipal elections are, or may be required by law to be held in any such city.

Trustees.

SECTION 5. The mayor of such city, with the advice and consent of the city council, shall appoint five trustees, to be know[n] as trustees of natural gas works, one to serve one year, one to serve two years, one to serve three years, one to serve four years and one to serve five years; and thereafter, one such trustee shall be appointed annually in like manner, to serve for five years; and not more than three of such trustees shall belong to one political party. All vacancies in said board of trustees shall be filled by appointment in the manner aforesaid.

SECTION 6. The said trustees shall have all the power and

duties possessed by trustees under the statutes governing artificial gas works so far as applicable.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 565.]

AN ACT

To authorize the use of school-houses for literary entertainments, school exhibitions, singing-schools and religious exercises.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when in the judgment of any board of education it will be for the advantage of the children residing in any school district to hold literary societies, school exhibitions, singing-schools, or religious exercises, the board of education shall, upon the application of the sub-district directors, authorize the opening of such school-houses for the purposes aforesaid.

Regulating use
of school-
houses.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 172.]

AN ACT

To amend section 279 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That section 279 of the Revised Statutes is hereby amended to read as follows:

Sec. 279. The superintendent shall, annually, make or cause to be made, net valuations of all outstanding policies, additions thereto, unpaid dividends, and all other obligations of every life insurance company transacting business in this state; and for the purpose of such valuations, and for making special examinations of the condition of life insurance companies, as provided in the laws of this state relating to life insurance companies, and for valuing all policies of whatever

Annual valuations, rate of interest, etc.

description, and for any purpose whatever, the rate of interest shall be four per cent. per annum, and the rate of mortality shall be established by the tables known as the American experience tables, but when the laws of any other state of the United States authorize a valuation of life insurance policies, by some designated state officer, according to the standard herein provided, or according to any other standard which makes the value of the policy not less than that of the standard herein provided, the valuation made according to the said standard, by such officer of the policies and other obligations of any life insurance company not organized under the laws of this state, and certified by said officer, may be received as true and correct, and no further valuation of the same shall be required of such company by the superintendent of insurance, except that in no case shall the superintendent of insurance accept the certificate of valuation of such officer of another state of the United States, when such officer does not accept, or refuses or fails to accept a like certificate from him of the valuation of the policies of any life insurance company incorporated under the laws of Ohio, or when any such officer of another state is prohibited by law from accepting the certificate of valuation of the superintendent of insurance of this state, the said superintendent shall forthwith require the officers of all companies located in such state to submit to him, within a reasonable time, the descriptions of the policies thereof for valuation, and he shall proceed to make, or cause to be made, a valuation thereof according to the standard herein named, and in case said descriptions are not submitted to the said superintendent within the time fixed by him, he shall revoke the license of such company or companies as shall fail to do so, and shall refuse to renew the same, until such descriptions shall be submitted and a valuation by him shall have been completed.

Exception to
above.

SECTION 2. That said original section 279 be and the same is hereby repealed.

SECTION[s] 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 7, 1889.

[Senate Bill No. 53.]

AN ACT

To suppress bucket shops and gambling in stocks, bonds, petroleum, cotton, grain, provisions and other produce.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any corporation, association, chamber of commerce, board of trade, copartnership or

person to keep or cause to be kept within this state any bucket shop, office or other place wherein is conducted or permitted the pretended buying or selling of the shares of stocks or bonds of any corporation, or petroleum, cotton, grain, provisions or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold; or wherein is conducted or permitted the pretended buying or selling of such property on margins, or when the party buying any of such property, or offering to buy the same does not intend actually to receive the same if purchased, or to deliver the same if sold, and the keeping of all such places and any such pretended buying or selling are hereby prohibited. Any corporation or person, whether acting individually or as a member, or as an officer, agent or employe of any corporation, association or copartnership, who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars (\$500.00), nor less than two hundred dollars (\$200.00), and any person or persons who shall be guilty of a second offense under this statute, in addition to the penalty above prescribed, shall upon conviction, be imprisoned in the county jail for the period of six months, and if a corporation, shall be liable to forfeiture of its charter; and the continuance of such establishment after first conviction shall be deemed a second offence. And the foregoing provisions shall apply to any "bucket shop," office or other place of business within this state, conducted in pursuance of or under any agreement or arrangement with any corporation, chamber of commerce, board of trade, association, copartnership, or person without this state, who has or may have leased, or who has or may have the control or use of any line or wire of any telegraph, or other means of communication with such "bucket shop," office or other place of business within this state, and to all persons in any way employed or engaged in maintaining and carrying on such wagering business therein, or in connection therewith; and no person within this state shall employ or use such telegraph, or other means of communication to transmit information to such non-resident of this state of any such wagering transaction or thing prohibited by this act, and the keeping of all places hereinbefore mentioned is hereby prohibited, and such non-residents of this state, as shall cause to be violated within this state the foregoing provisions in relation to such non-residents, shall be deemed guilty of a misdemeanor committed within this state, and shall be fined or imprisoned as hereinbefore provided in this section.

Prohibiting
bucket shops
and gambling
in stocks,
bonds, petro-
leum, cotton,
grain, provis-
ions and other
produce

Penalty.

SECTION 2. It shall not be necessary, in order to commit the offence defined in section one (1) of this act, that both the buyer and seller shall agree to do any of the acts therein prohibited, but the said offence shall be complete against any corporation, chamber of commerce, board of trade, association, copartnership or person thus pretending or offering to sell, or thus pretending or offering to buy, whether the offer to sell or buy is accepted or not; and any corporation, association, copartnership, or person who shall communicate, receive, exhibit or display in any manner any such offer to so buy or sell, or any

When offence
shall be
deemed com-
plete.

statements or quotations of the prices of any such property, with a view to any transaction as aforesaid shall be deemed a principal, and upon conviction thereof shall be fined and punished the same as the principal, and as provided in section one (1) of this act.

When written statements shall be furnished to customers.

SECTION 3. It shall be the duty of every commission merchant, copartnership, association, corporation or broker doing business as such to furnish, upon demand, to any customer or principal for whom such commission merchant, broker, copartnership, corporation or association has executed any order for the actual purchase or sale of any of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where and the price at which the same was either bought or sold; and in case such commission merchant, broker, copartnership, corporation or association shall refuse promptly to furnish such statement upon reasonable demand, the fact of such refusal shall be prima facie evidence that such property was not sold or bought in a legitimate manner.

The words "bucket shop" and "margin" defined.

SECTION 4. The term "bucket shop" shall apply to all and every of the places mentioned in this act, and shall include not only the place of the making or permission to make, or offer to make wagering contracts as aforesaid, but also the place wherein is carried on the system of purchasing or selling of stocks, bonds or securities as mentioned in section one of this act, whether the contract is to be performed within or without this state, when the payment therefor is by certified check, or any other device, given or made by or for the purchaser to the seller, and the delivery is by or for the seller to the purchaser, and such seller or party acting for him does not in good faith receive the cash upon such certified check or method of payment as is done in the regular course of legitimate business, or any such purchaser or party acting for him does not in like manner receive such stock, bonds or other securities. And the word "margin," in this act shall be held to mean and include not only sums of money paid or to be paid upon executory wagering contracts, but also money paid or agreed, or required to be paid, upon executory contracts which the party paying or to pay the same does not intend to complete by receiving or delivering the whole of what is so contracted for, but to resell, before the time fixed by contract for such delivery or at such time, to pay or receive the difference between the contract price and the market price of that concerning which such contract is made. And any attempt to produce a corner on any commodity, or article of merchandise by contracts or wagers, intended to produce an abnormal condition, shall be deemed a violation of this act.

Penalty for permitting building to be used for "bucket shop" or grain gambling.

SECTION 5. Whoever knowingly permits any of the illegal acts aforesaid in his building, house, or in any outhouse, booth, arbor or any erection of which he has the care or possession, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), and any penalty so adjudged shall be a lien upon the premises on or in which such unlawful acts are carried on or permitted, and it shall be

the duty under this act of all judges of the common pleas courts in this state, at every regular term thereof, to charge all regularly impaneled grand juries to diligently inquire, investigate and true presentment make of all persons guilty of a violation of any of the provisions of this act.

SECTION 6. That the act entitled "an act to prevent gambling in grain, stocks, petroleum, wool and provisions," passed May 4, 1885 (82 v., pp. 254, 255), and numbered sections 6934b, 6934c, 6934d, be and the same is hereby repealed. This act shall take effect and be in force from its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed February 7, 1889.

[Senate Bill No. 183.]

AN ACT

To amend section 2269 of the Revised Statutes of Ohio, as amended March 11, 1887 (84 O. L., 1887).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-two hundred and sixty-nine of the Revised Statutes of Ohio, as amended March 11, 1887, be amended to read as follows:

Rules of
assessments.

Sec. 2269. In making special assessments, according to valuation, the council shall be governed by the assessed value of the lots if the land is subdivided and the lots are numbered and recorded; but if the lots are not assessed for taxation, or if there is land not subdivided into lots the council shall fix the value of the lots or the value of the front of such land to the usual depth of lots by the average of two blocks, one of which shall be next adjoining on either side; and if there are no blocks so adjoining, the council shall fix the value of the lots or lands to be assessed so that it will be a fair average of the assessed value of other lots in the neighborhood; and if in making a special assessment by the foot front, there is land bounding or abutting upon the improvement not subdivided into lots, the council shall fix the depth of such land so that it will be a fair average depth of lots in the neighborhood, which shall be subject to such assessment; and this section shall be applicable to special assessments provided for in this chapter, excepting assessments according to benefit.

SECTION 2. That said section twenty-two hundred and sixty-nine, as amended March 11, 1887, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed February 7, 1889.

[Senate Bill No. 279.]

AN ACT

To establish an efficient and non-partisan board of public affairs in cities of the second class third grade having a population at the last federal census of twelve thousand one hundred and twenty-two.

Providing for a
Board of Public
Affairs in
Hamilton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second class third grade having a population at the last federal census of twelve thousand one hundred and twenty-two, there shall be a board of public affairs, composed of four members to be appointed by the governor, who shall appoint as the members of such board, four citizens electors of said city, well known for their intelligence, and integrity, not more than two of whom shall be of the same political party, and two of whom of different political party faith and allegiance, shall be designated to serve for two years, and two for four years, and thereafter at the expiration of each term and at each period of two years the governor shall appoint two members of such board who shall be designated to serve for four years. All vacancies in said board from whatever cause shall be filled by the governor for the unexpired term and shall be so filled that not more than two of the members of said board shall be of the same political faith, or so reputed. The members of said board before entering upon their duties shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk of said city, to support the constitution of the United States and the state of Ohio, and in all their official actions and judgments to aim only to secure and maintain an honest, and efficient administration of public affairs free from partisan dictation or control. All members shall serve until their successors are appointed and qualified.

Powers of the
board.

SECTION 2. All powers and duties connected with and incident to the appointment, regulation, government and control of the police force and the fire department of said cities; the cleaning, repairing and improving of all streets, alleys, avenues, culverts, bridges, drains, ditches and sewers; the control and superintendency of all parks; and all the powers and duties vested by law in the board of health in said cities shall be vested in said board of public affairs. The office of city commissioner, and said board of health are hereby abolished, and said board of public affairs shall be considered in all respects the successor of the board of health and said city commissioner. Said board shall appoint a superintendent of police, and a chief of the fire department, who may also be required to perform the duties now required by law of the city commissioner, and shall employ such superintendents, laborers, and other persons as it may deem necessary for the cleaning, repairing, and improving of the streets, alleys, avenues, bridges, etc. They shall also have the power if they deem it for the best interest of the city to let said cleaning, repairing, and improving of said streets, alleys, avenues, bridges, etc. to contract, having first advertised for bids therefor. Said advertisement to be published for ten days in a newspaper of general circulation in said cities, and said con-

tract awarded to the lowest and best responsible bidder. Said board may reject any and all bids and re-advertise.

SECTION 3. The mayor of the city may be present and when present shall preside at the meetings of the board of public affairs, but he shall not be a member thereof, nor shall he have any vote in the proceedings of the board, excepting that in case the board upon their first meeting for organization after the passage hereof as by this section provided to be held, shall be unable to agree by a majority vote upon the appointment of an acting president, superintendent of police, chief of the fire department, and secretary of the board of public affairs, or either of them, the mayor presiding shall, after twenty ballots upon any of said appointments, have been taken without a resulting appointment, cast the deciding vote upon such appointment. Within five days after the appointment and qualification of the original board appointed pursuant hereto, said members and the mayor shall meet at the call of the mayor, and at said meeting shall effect an organization of said board by the selection of an acting president, and a secretary thereof, a superintendent of police and a chief of the fire department. Said president shall preside at the meetings of said board in the absence of the mayor, and perform such other duties as may be prescribed.

The mayor to preside at the meetings of the board.

SECTION 4. Meetings of the board of public affairs for the transaction of business shall be held in the council chamber of said cities upon some particular day to be designated by them. And at such other times as two of said board shall call a meeting of said board, by written notice filed with the secretary of the board, whose duty it shall be forthwith to notify the other members of said board, of the time of such meeting. A majority of the board shall be a quorum for the transaction of business, but the mayor shall not be counted to make such quorum, and it shall require an affirmative vote of the majority of the board to pass any measure or authorize any act by the board.

Where meetings of board to be held.

SECTION 5. The compensation of each member of the board of public affairs shall be two hundred and fifty dollars per annum, and the secretary thereof shall receive a salary not to exceed five hundred dollars per annum, provided that if one of the members of said board is elected secretary he shall not receive any salary as such member. The secretary shall keep the records of such board, have charge of the office of the board, shall perform such duties as are required of him by the board, and may be removed by the board at any time. The secretary shall give bond in the sum of five thousand dollars conditioned for the faithful performance of his duties, and for the faithful accounting for all moneys that may come into his hands as such secretary. Said bond to be approved by the board and filed with the clerk of said cities.

Compensation of members of board and secretary.

SECTION 6. The board of public affairs shall appoint all policemen and all officers for the police force. Appointments shall be made without reference to party opinions or affiliations. All appointments of officers for the police force, excepting the superintendent of police, shall after the first

Board to appoint all policemen and police officers.

appointments of such officers made hereunder, be by promotion from the grade next below.

Police force.
How appointed.

SECTION 7. The board of public affairs shall within sixty days after their first regular meeting as provided in section three of this act, appoint a police force and officers thereof, pursuant to the provisions of this act and the present police force and the officers thereof in such cities shall continue as such under the control and management of the board of public affairs appointed hereunder, only until the appointment and qualification of such new force and officers; but the superintendent of police shall immediately upon his appointment and qualification enter upon his duties; and as the appointment of officers and members of the force are, within said sixty days made by said board, such officers and members may be designated to take the place of officers and members of corresponding rank on the present force, who may be thereupon forthwith discharged by the board. Appointments of officers and members of the new force may be made agreeably to the provisions of this act, from officers or members of the present force, or from the electors of such city.

How appointments to be made.

SECTION 8. The board of public affairs shall have power to appoint a superintendent of police, a captain of police, and also regular or compensated patrolmen, not exceeding one to each seven hundred and fifty inhabitants of such city. The board may appoint any patrolmen on probation, and may discharge those so appointed at any time within six months from the date of appointment; provided, that if patrolmen so appointed on probation and discharged shall demand it, the cause of his discharge shall be assigned him by the board in writing. The board shall have power, in case of emergency or special necessity, to appoint as many additional patrolmen as it shall think proper, which appointment shall continue only during the continuance of such emergency or special necessity, as determined to exist by the board. The board shall appoint necessary station-house keepers, clerks, and other subordinates necessary to the efficient administration of the police laws and regulations, within the scale of the powers of said board. The board may appoint persons of suitable character, who may be in the employment of the city in other branches or departments, special patrolmen or policemen; but such patrolmen or policemen shall not be paid for their services as such from the public fund of the city or county treasury; and such special patrolmen or policemen shall possess the same powers as the regular patrolmen, and shall obey the rules governing the police force, and conform to its general discipline.

May make rules as to qualification, etc., of police force.

SECTION 9. The qualification, enumeration, and distribution of duties of each member and officer of the police force shall be particularly defined and prescribed by rules and regulations of the board of public affairs not inconsistent with the further provisions hereof. Each member and officer of the police force, the secretary of the board, and each appointee of the board in any capacity shall be an elector of the city in which he is appointed, and able to read and write the English language understandingly. No person shall be appointed a member or officer of the police force, unless he is well known

to be a man of sobriety and integrity, and has been and is an orderly and law-abiding citizen. No man shall be appointed as member or officer of the police force who has been convicted of any felony, or who has been convicted of any misdemeanor within three years previous to his appointment, or has been engaged in any unlawful calling or has pursued any calling in a manner forbidden by law; nor shall any person be appointed a member or officer of said force on account of any political partisan service rendered by him or [on] account of political sentiments or affiliations; nor shall any officer or member of said force be discharged or removed, or reduced in grade or pay, for any political or partisan opinion. Their appointment and continuance upon said police force shall depend solely upon their willingness and ability to enforce the law. All appointments on the police force hereunder, of officers or members thereof, shall continue during good behavior, and continued ability fully to discharge the duties of the position. The board of public affairs shall have power to call for information, to summon applicants for appointment before them for examination as to their fitness, to summon witnesses and to take any other lawful means which shall enable them to form a correct and intelligent judgment as to the fitness of applicants. No member or officer of the police force shall, after his appointment by the board as herein directed, be removed from the force or reduced in grade or pay for any reason, except inefficiency, misconduct, insubordination, or violation of law; except that, in the case of patrolmen appointed on probation, their discharge within six months from their appointment shall be in the discretion of the board.

SECTION 10. Any person may prefer charges, which shall be signed by the person making same, against an officer or member of the police force, which charges shall be filed in the office of the mayor, and be by him communicated without delay to the board of public affairs, whose duty it shall be to investigate and decide upon said charges. It shall be the duty of the mayor, whenever probable cause appears, to prefer charges against any member or officer of the force, whom he believes to have been guilty of any conduct justifying his removal or punishment in the interest of public order, in any case where charges have been made against an officer or member of the force, the mayor or board may suspend from duty, or from both pay and duty, the officer or member against whom such charges have been made; and such suspended officer or member shall not be placed upon duty or allowed pay after suspension therefrom, pending the action of the board upon such charges. All charges against members or officers of the police force shall be forthwith filed by the mayor in the office of the board of public affairs, and within three days, after such filing, the board shall proceed to hear and examine said charges. All charges shall be taken as denied, and the hearing shall be summary, and without pleading, and the action of the board thereon shall be final. A record of charges and findings shall be made by the board, and kept in their office. The board shall have power to, and shall issue subpoenas attested in the name of the acting president of the board, to compel

Concerning
charges against
member of
police force.

the attendance of witnesses, to administer oaths, and generally shall, for the purpose of such hearing, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable. If on such hearing, the charges are sustained the officer or member of the force shall pay the costs of such proceedings, and the same may be deducted and withheld from his pay. The board may discharge, suspend, or reduce the grade and pay of any person found guilty as above. No officer or member of the police force who has been found guilty and discharged, shall ever be eligible for re-appointment to the force in any capacity whatever, unless it shall be afterwards proved to the board that their decision was erroneous and that, in fact, he was not guilty of the offense for which he was dismissed.

SECTION 11. The superintendent of police shall receive a salary not exceeding one thousand dollars per annum; each captain of police shall receive a salary not exceeding eight hundred dollars per annum; and the pay of each patrolman shall not exceed the sum of seven hundred and twenty dollars per annum.

Board to fix salaries of police.

SECTION 12. The salaries of officers and pay of patrolmen provided for in section eleven hereof, shall be fixed by the board of public affairs and shall be paid monthly to each person entitled thereto. The salary of the secretary of the board shall be paid monthly; and the salaries of the members shall be paid quarterly. The compensation of station-house keepers and other subordinates shall be fixed by the board, and shall be paid monthly.

No member of force to receive any compensation other than salary.

SECTION 13. No officer or member of the police force shall, for his own benefit under any pretense whatever, receive or share in any present, fee, gift, or emolument for public services, other than the regular salary and pay, except by the consent of the board, and superintendent, publicly given; nor shall any officer or member share in or receive any fee, gift, or reward from any person who may become bail for any arrested, accused or convicted person, or may become surety for any such person on error to judgment or decision of any court or magistrate, or any fee, gift or reward, in any case from an attorney-at-law who may prosecute or defend any person arrested or prosecuted for any offense within the county within which such city may be situated; nor shall any officer or member, either directly or indirectly interest himself or interfere in any manner whatever in the employment of any attorney to aid in the defense of any person arrested or accused; and for any violation of either of the foregoing provisions, the person or persons so offending shall be immediately removed from the police force.

The board to have full power of police organization.

SECTION 14. The board of public affairs shall possess full power and authority of the police organization, government, appointment and discipline within such city, and shall have possession and control of all property, books, records and equipments belonging to the police department or under the control of the police authorities. In case of riot or insurrection, or any like emergency within such city, which in the judgment of the mayor requires the intervention of the police-

force, he shall have the power to call out the whole force and control the same and the officers thereof; during the emergency.

SECTION 15. It shall be the duty of the mayor, the board of public affairs and of the police force hereby constituted at all time of the day and night, within the boundaries of the city, to preserve the public peace, prevent crime, arrest offenders, protect rights of persons and property, guard the public health, preserve order, remove nuisances existing in public streets, roads, places and highways, report all leaks or other defects in water pipes and sewers, to the proper authorities, to provide a proper force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at railroad stations, and generally to obey and enforce all ordinances of the city council, and criminal laws of the state, and of the United States, and perform such duties as sanitary police as may be required by the rules and regulations of the board of public affairs.

Duty of mayor, board and police force.

SECTION 16. Each officer and member of the police force, before entering upon the discharge of his duties, shall take an oath before the mayor, who is hereby authorized and empowered to administer the same, to well and faithfully discharge the duties of his office, which oath shall be subscribed by the person taking it, and shall be filed and preserved in the office of the board of public affairs. The superintendent of police shall give a bond for the faithful discharge of his duties, in the sum of three thousand dollars, to be approved by the board, which bond shall be filed with the secretary of the board, and thereafter under the direction and control of the board, such superintendent of police shall have command and control of the police force of such city. Each regular captain of police, and each regular patrolman shall give a bond in the sum of one thousand dollars, each of said bonds shall require the approval of the board of public affairs, shall be conditioned for the faithful discharge of the duties of the person giving the same, and shall be filed in the office of said board duly approved, before the person giving the same shall enter upon the discharge of his duties.

Members of police force to take oath before entering upon discharge of duties.

SECTION 17. The board shall cause to be prepared a convenient manual, containing a compend of all the laws and ordinances which the police force is required to obey or enforce; and such instructions as shall aid them in the intelligent discharge of their duty. Each officer and member of the force shall be supplied with a copy, for the preservation of which he shall be held responsible as for other public property. It shall be the duty of every officer and member of the force to make himself acquainted with the directions contained in the manual, and in every way to become familiar with all the duties of his position. The superintendent shall be especially charged with the duty of instructing members and officers of the force in their duties, and from time to time examining them as to their knowledge of the requirements of their position. It shall, furthermore, be the duty of the board of public affairs, at least twice in each year, to require the examination and inspection of the entire force, and for this pur-

Board to prepare manual for police force.

pose the board shall appoint one of its members an examiner to assist the superintendent in such general examinations. Gross ignorance of the laws and regulations governing the police force, after six months' service as officer or member, shall be deemed conclusive proof of inefficiency, and shall require the removal of such officer or member of the force.

City to be
divided into
precincts.

SECTION 18. It is hereby made the duty of the board of public affairs where the same has not already been done, for more effectually distributing and enforcing its police government and discipline, to divide the city into precincts without regard to ward bounding to promulgate all regulations or orders through the superintendent of police, and the police force shall respect and obey the superintendent, subject to the rules and regulations and general orders of the board.

Board may ap-
point private
patrolmen.

SECTION 19. The board of public affairs may, on the application of any person who shows the necessity thereof, appoint any number of private patrolmen to do duty at any place within the city at the charge and expense of the person by whom the application is made; and the patrolman so appointed, after being sworn, shall be subject to the orders of the board of public affairs, and shall obey the rules and regulations of said board, and conform to its general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and during their term of holding appointment they shall possess all the powers and privileges, and perform all the duties of the patrol force herein prescribed.

Written return
to be made of
arrests.

SECTION 20. Every case of arrest shall be made known to the officer upon duty, by the person making the same, and it shall be the duty of said officer as soon as practicable after such notice, to make a written return thereof, according to the rules and regulations of the board of public affairs, together with the name of the party arrested, the offense, the place of arrest and the place of detention.

Superintendent
of police to
make daily
reports.

SECTION 21. The superintendent of police shall make to the secretary of the board daily reports of such facts as may come to his knowledge from the patrolmen; and the secretary shall make to the board monthly reports in writing of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of public government and discipline, and the board shall, on the first day of March in each year, report in writing the condition of the police to the city council.

Exemptions
under this act.

SECTION 22. No person holding office under this act shall be liable to military or jury duty, or to arrest on civil process, or to service of subpoenas from civil courts, while actually on duty.

As to uniforms
and badges.

SECTION 23. Every officer and member of the police force, while on duty, shall wear a uniform, to be prescribed by the board, and shall at all times in public wear a badge of his office to be furnished by the board.

Notice of resig-
nation to be
given.

SECTION 24. No officer or member of the police force, under penalty of forfeiting the pay which may be due him, shall withdraw or resign, unless he shall give two weeks' notice thereof in writing to the superintendent of police.

SECTION 25. The superintendent of police shall detail, on the day of any election in said city, one or more patrolmen, as he may deem necessary to each election poll to aid in the preservation of order, and the protection of voters and challengers, and such patrolmen shall be subject to the lawful orders of the judges of said election, given for the enforcement of law, and for the protection of the rights of electors, and the preservation of the purity of the ballot.

Police on election day.

SECTION 26. When a crime is committed in such city whether the person accused or suspected flees from justice or not, the superintendent of police shall immediately report to the board all the facts that may have come to his knowledge concerning the offence, or the accused or suspected person; and the board of public affairs may, in its discretion authorize any person belonging to the force to pursue and arrest such accused or suspected person, and return him to the proper criminal court.

Superintendent to report crimes.

SECTION 27. All moneys collected by the mayor or police court of such city on account of the service by the police force of writs issued by such court or mayor, shall be monthly paid to the board of public affairs, and shall constitute a fund to be called the contingent fund, which shall be paid by said board into the city treasury, and out of which funds shall be paid, so far as practicable, all incidental or extraordinary expenses incurred by the board.

Contingent fund.

SECTION 28. Said board of public affairs shall within sixty days after its first regular meeting appoint members of a [the] fire department, to consist of six stationary men, nine runners, three drivers, and one hook and ladder company consisting of one captain, one steersman, and four ladder men; and shall prescribe rules and regulations for the government of the same. All said appointments to be made without regard to party opinions or affiliation. The chief of the fire department shall have command and control of the members of said fire department, under the direction and control of the board of public affairs. Each member of said fire department, before entering upon the discharge of his duties, shall take an oath that he will faithfully observe and obey the laws and ordinances of said city, and the rules and regulations of said department.

Board to appoint members of fire department.

SECTION 29. The chief of said fire department shall receive a salary not exceeding eight hundred dollars per annum; each stationary man, driver, and steersman shall receive a salary not exceeding six hundred and sixty dollars per annum; each runner shall receive a salary not exceeding one hundred and fifty-six dollars per annum; each ladderman shall receive a salary not exceeding eighty-four dollars per annum; and the captain of the hook and ladder company shall receive a salary not exceeding one hundred and twenty dollars per annum; to be paid monthly out of the city treasury on the order of said board of public affairs. Said chief of the fire department shall give a bond for the faithful discharge of his duties in the sum of three thousand dollars; and each member of said fire department shall give bond conditioned for the faithful discharge of his duties, in the sum of

Salaries of officers of fire department.

one thousand dollars. Said bonds to be approved by the board.

Board to control property of fire department.

SECTION 30. Said board of public affairs shall have possession and control of all property, fire engines, horses, wagons, etc., and the fire alarm telegraph, and everything connected with said fire department.

Expenses of departments under board, how paid.

SECTION 31. The necessary cost and expense of providing for, and the maintenance of the several departments, under the control of the board of public affairs shall be a city charge, and all moneys now in the city treasury to the credit of the street, bridge and fire department, and police funds shall be subject to the order of said board of public affairs. And said board shall on or before the first day of May in each year submit to the city council for approval, an estimate in detail of the costs and expenses of providing for and maintaining the several departments under the control of said board of public affairs, and the city council shall provide for the same in the general assessment and the money when collected shall be paid into the city treasury and shall be drawn therefrom on the warrant of the secretary of said board of public affairs, countersigned by the acting president thereof, which warrant shall be drawn upon the city treasurer against the proper fund, shall be made payable to the order of the person or persons entitled to receive said moneys, and shall state the fund to which it is chargeable. Said board shall audit all claims created under existing laws, and the same when thus audited shall be paid in the manner provided for the payment of expenses incurred under this act.

Application of certain sections.

SECTION 32. That sections 1953, 1954, 1955, 1956, 1957, 1963, 1964, 1971, 1972, 1980, 1981, of the Revised Statutes, be and the same are hereby made applicable to cities of the second class and third grade having a population at the last federal census of twelve thousand one hundred and twenty-two, as though said sections were in this act repeated; that section 1945 as amended April 19, 1881, 1998, as amended April 9, 1884, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, as amended April 9, 1884, be and the same are hereby repealed, in so far as they may apply to cities of the second class and third grade having a population at the last federal census of twelve thousand one hundred and twenty-two; that all acts and parts of acts inconsistent or in conflict with the provisions of this act be and the same are hereby repealed, in so far as they may apply to cities of the second class and third grade having a population at the last federal census of twelve thousand one hundred and twenty-two; and that all ordinances of such cities aforesaid, heretofore adopted which may be inconsistent or in conflict with the provisions of this act, be and the same are hereby set aside, repealed and held for naught, in so far as the same are inconsistent or in conflict with the provisions of this act.

Repeals.

SECTION 33. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 7, 1889.

[House Bill No. 881.]

AN ACT

To amend section 3542 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand five hundred and forty-two (3542) of the Revised Statutes of the State of Ohio, be and the same is hereby amended so as to read as follows :

Sec. 3542. Such company may purchase, or appropriate in the manner provided by law, and hold such real estate as, in the opinion of its directors, will be required for the site of the bridge, and of suitable avenues or approaches leading thereto, and may locate the same on, or construct the same over, any public street, road, avenue, or alley ; provided, that in constructing the same over any public street, road, avenue or alley, the said bridge shall be constructed at such height as not to interfere with travel passing on, over or along the same ; and provided further, that no pier, or other obstruction, shall be constructed or built upon such street, road, avenue or alley, without the consent of the municipal or other authorities having charge or control of the same. And the company shall be responsible for injuries done to private property, adjacent or near to such bridge, by its elevation and construction, which may be recovered in a civil action brought by the owner, at any time within two years from the completion thereof.

Further powers
of Ohio river
bridge com-
panies.

SECTION 2. Said original section 3542 is hereby repealed ; and this act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 30.]

AN ACT

To re-enact sections 1255, 1256 and 1257, as repealed February 7, 1885
(Vol. 82, page 39.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1255, 1256 and 1257 be re-enacted to read as follows:

Indexes of judgments not dormant to be prepared by clerks of circuit and common pleas courts.

Sec. 1255. The clerks of the several common pleas, circuit and superior courts shall make an alphabetical index of the names of all plaintiffs and defendants to pending suits and living judgments, showing therein, in separate columns the names, court and number of the suit or execution, and when there is more than one suit or judgment for or against the same party, it shall be sufficient to index the name but once and make entries opposite thereto, of the court and the number of the suit or execution ; provided, that no such index shall be made in counties where the same has already been done.

Index to be made within six months.

Sec. 1256. The index required by the preceding section shall be made up within six months from the passage of this act, and thereafter all new suits shall be so indexed at the time of the filing of the petition, and all judgments at the time of the filing of the rendition, revival, or a transcript thereof.

Sec. 1257. The clerks shall receive the same fee for making such indexes as is provided by law for making indexes to judgments.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 323.]

AN ACT

amend section 7015 of the Revised Statutes of Ohio, as amended April 27, 1886, and to provide against the payment of wages in scrip, orders, etc., and to provide a method of pleading on such instruments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7015 of the Revised Statutes of Ohio, as amended April 27, 1886, be so amended as to read as follows:

Sec. 7015. It shall be unlawful for any person, firm, company or corporation to sell, give, deliver, or in any manner

issue, directly or indirectly, to any person employed by him or it in payment of wages due for labor, or as advances on the wages of labor not due, any scrip, token, draft, check or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money; any violation of the provisions of this section shall be punishable by a fine not less than twenty-five nor more than one hundred dollars, or imprisonment for not more than thirty days, or both; and any such scrip, token, check, draft, or other evidence of indebtedness issued in violation of the provisions of this section, whatever its provisions as to the time or manner of payment shall be, in legal effect, an instrument for the unconditional payment of money only on demand, and the amount thereof may be collected in money by any holder thereof in a civil action against the person, firm or corporation selling, delivering, or in any manner, or for any purpose issuing the same; and such holder may be either the person to whom such instrument was originally issued, or who acquired the same by purchase and delivery; and any scrip, token, check, draft or other evidence of indebtedness, issued in violation of the provisions of this section, and presented by the holder thereof, shall be taken as prima facie evidence in any court of the guilt or indebtedness of any person, firm, company or corporation selling, giving, delivering, or in any manner issuing the same, and for the purposes of this act in case of a firm or corporation, the person selling, giving, delivering, or in any manner issuing said scrip, token, check, draft, order, or other evidence of indebtedness shall be the defendant to the criminal action, and the firm, corporation or company shall be held as defendant to the civil action. Nothing in this section shall apply to or affect the right of any person, firm or corporation to give orders on any store, business house, or firm in the business or profit of which he has no interest, directly or indirectly.

Payment of
laborers in
scrip or other
evidence of in-
debtedness un-
lawful.

SECTION 2. In any civil action on such check, token, draft, or other evidence of indebtedness issued in violation of the foregoing section, the same may be declared on as an instrument for the unconditional payment of money only; but it shall be sufficient to give the form only of such instrument, together with the denomination and the number of instruments of each denomination, if more than one is declared on; and any number of such instruments, in the same form of words, whether of the same or of different denominations, may be joined in a single count, and such joinder shall not constitute duplicity, and it shall not be necessary to give the form of such instruments more than once.

Pleading.

SECTION 3. Said original section 7015 of the Revised Statutes, as amended April 27, 1886, is hereby repealed.

SECTION 4. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 410.]

AN ACT

To amend section 4899 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4899 be amended so as to read as follows:

May contract
for labor and
material.

Sec. 4899. They may contract for labor and material, either at public sale or private contract, as will best subserve the interests of the different roads, and shall certify to the county auditor, on or before the first Monday in June each year, the amount of money necessary for the purpose of keeping such roads, including the bridges and culverts thereon, in good repair; and they may, where hills have not been brought to the grade, as defined in section 4759 Revised Statutes, when the road was originally constructed, and where public safety and convenience demands it, cut down the same, regrade and regravell, as may be found necessary, the cost of same to be paid for in [the] same manner as general repairs; and when in the opinion of the board the interests of any of the roads require it, they may enter upon any lands in the county, and take the gravel or other material necessary for the repair of the roads, and shall give a certificate to the owner of such material so taken, which shall state the value thereof, together with the amount of damage to the lands by reason of the removal of such material; and the county auditor, upon the presentation of such certificate, shall issue an order on the county treasurer for the amount so certified, who shall pay the same out of the turnpike fund.

SECTION 2. Said original section 4899 is hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 517.]

AN ACT

To amend section 4731 of the Revised Statutes of Ohio, as amended April 10, 1884, relating to duties of supervisors of roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand seven hundred and thirty-one, as amended April 10, 1884, be so amended as to read as follows:

Drift against
bridges, ditches
or culverts to
be removed.

Sec. 4731. The supervisor of each road district, or the superintendent of any free turnpike or improved road, shall remove or cause to be removed all timber or drift lodged against bridges, except toll bridges, or bridges upon toll roads,

and all timber, drift and sediment lodged in and obstructing the free passage of water in ditches constructed for the draining and protection of such roads, or under or against any culvert over the same, or over any natural water-course adjoining and upon the line of free turnpikes, and all other public roads in his district; and he shall receive the same compensation for such work or duties performed as is prescribed by law for other road work. And in case any supervisor or superintendent fails or neglects to comply with the provisions of this act, he shall be held liable to a fine of not less than five and not more than twenty-five dollars. And any adjoining landowner affected thereby may, at the expiration of ten days, after serving a written notice on such supervisor or superintendent to remove any drift or sediment, as herein mentioned, of his own motion, remove or cause the same to be removed, for which he shall receive the same compensation and from the same source as such supervisor or superintendent would have been entitled to in the performance of his duty.

SECTION 2. That said original section 4731, as amended April 10, 1884, is hereby repealed; and this act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 880.]

AN ACT

Supplementary to an act entitled "an act to authorize the council of cities of the second class, third grade, to issue bonds for the purpose of erecting a market house and city offices, and of procuring the necessary real estate as a site therefor, and approaches thereto, and for market space, or any one or more of them," passed February 19, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the second class, third grade, in which the improvements and real estate, mentioned in the act of the General Assembly of the State of Ohio, to which this act is supplementary, have been made and procured, or hereafter may be made and procured, be and it is hereby authorized and empowered, two-thirds of the whole number of members elected to such council concurring and declaring the same to be necessary, to issue the bonds of said city for the purpose of completing and furnishing said building and offices and paving and improving its market spaces, not exceeding in the aggregate the sum of seventy-five thousand dollars. Said bonds shall be styled "market house bonds, second series," and may, in the discretion of the council, have interest coupons attached, and shall be of such

Authorizing
cities of second
class, third
grade, to issue
bonds.

denomination, payable at such times, not more than forty years from the date of their issue, and bearing such rate, not exceeding six per cent. per annum, payable semi-annually, as such council shall determine; which bonds shall be advertised and sold according to law.

Levy of tax.

SECTION 2. The council of any such city shall, annually, levy a tax on the taxable property of such city sufficient to pay, as they respectively become due, the interest and principal of all bonds issued under the provisions of this act, and of the act to which it is supplementary.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 11, 1889.

[House Bill No. 872.]

AN ACT

Making appropriations for the support of the common schools.

Appropriation
for common
schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys raised or coming into the state treasury for the support of the common schools, one million, seven hundred thousand, eight hundred and eighty-four dollars and seventy-five cents (\$1,700,884.75), or so much as may come into the treasury for that purpose, to be distributed and paid in the manner provided by law, agreeable to section 3956 of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 148.]

AN ACT

To amend section 4241 of the Revised Statutes of Ohio.

When party
entitled to re-
move his share
of partition
fence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four thousand two hundred and forty-one of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 4241. When the inclosures of two or more persons are divided by a partition fence of any kind, and either of the parties thinks proper to vacate his part of such inclosure, or to make a lane or passage between such adjoining inclosures, such person may remove his share or part of such partition fence, on giving six months' notice in writing of such intention, to the party owning or occupying the adjoining inclosure, or to his agent, if such party is not a resident of the county; provided, that the foregoing provisions of this section shall not be applicable to owners of narrow strips of land not more than two rods in width between adjoining farms of other persons while used and occupied by such owners for the purposes of farm outlets, to and from public highways; in such cases the owners thereof unless otherwise provided for shall keep and maintain in good repair, one-half of such partition fence, on either side of such farm outlet, or private right of way.

SECTION 2. That section 4241 of the Revised Statutes aforesaid be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 211.]

AN ACT

Empowering probate courts to authorize guardians of imbeciles or insane persons to invest moneys and personal estate of their wards in erecting buildings on the real estate of such wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the guardian of an imbecile or insane person may use the moneys and personal estate of his ward in improving the real estate of said ward as follows, to-wit: The guardian proposing to make such improvement, shall file in the probate court in which he was appointed such guardian, a petition describing the premises to be improved, the amount of rent said premises yield at the time of filing such petition, in what way it is proposed to make such improvement; how much it is proposed to expend in making same, and what rent said premises will probably yield when so improved, together with a statement of the value of said ward's personal estate, and such other facts as may be pertinent to the question whether said improvement should be made, and a prayer that he be authorized to use so much of said ward's moneys

Guardians may improve real estate of certain wards.

and personal estate as may be necessary to make such improvement; and, if the property to be improved is so situated that it can be advantageously, and to the best interest of the estate of said ward, improved in connection with the improvement of property adjoining and adjacent to said premises of said ward, said petition must contain a statement showing the same, and a prayer in accordance therewith. Said petition shall also contain a statement of the character of the imbecility or the insanity of said ward—whether temporary or confirmed—and its duration; the names, ages and residence of the family of the said ward, including the wife or husband of said ward, and of those who have the next estate of inheritance from said ward, all of whom, as well as said ward, shall be made defendants, and be notified of the pendency and prayer of said petition in such way as said court shall direct.

Proceedings.

SECTION 2. Upon the filing of said petition, the same proceedings shall be had as to pleadings and proof as are had on petition by a guardian to sell the real estate of a minor; and the court shall appoint three disinterested and judicious freeholders of the county as commissioners, whose duty it shall be to examine the premises proposed to be improved and its surroundings, and to report to the court their opinion, whether the improvement proposed will be advantageous to the estate of said ward or not.

May unite with owners of adjacent property.

SECTION 3. Upon the final hearing, if the prayer of the petition be granted, the court shall fix the amount of said ward's money and personal estate that may be used in making said improvement, and may authorize said guardian to unite with the owners of adjoining and adjacent property in improving the premises of said ward, and said adjacent owners and for the proper management and repair of said property, when so improved, upon such equitable terms and conditions as shall be approved by said court.

Guardian's report.

SECTION 4. The amount of money and personal estate expended in making said improvement shall be by said guardian distinctly reported, under oath, to said court within forty days after said improvement shall have been completed; and in case of said ward's death without being restored to reason, if there are heirs of said ward who inherit real estate only from said ward, then said sum of money so expended by said guardian in improving said real estate of said ward, shall descend and pass the same as the other personal estate of said ward, and the same shall be a charge on said premises so improved in favor of said heirs of said deceased ward who inherit the personal estate.

SECTION 5. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 358.]

AN ACT

To amend section 4909 of the Revised Statutes, as amended April 15, 1882, (79 vol. Ohio laws, page 131).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4909 of the Revised Statutes, as amended April 15, 1882, be amended so as to read as follows:

Sidewalks
along roads
authorized.

Sec. 4909. Any person or board of education, the council of any village, the trustees of any cemetery association, or any agricultural or religious society may appropriate on any public road of sufficient width on either side thereof, sufficient land to construct thereon a public sidewalk not exceeding six feet in width, and may construct such sidewalk thereon; but such sidewalks shall not obstruct any private entrance or public highway.

SECTION 2. That section 4909 of the Revised Statutes, as amended April 15, 1882, be and is hereby repealed.

SECTION 3. That this act shall take effect on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 377.]

AN ACT

To amend section 148a of the Revised Statutes of Ohio supplementary to section 148 of said Revised Statutes, passed March 18, 1884 (81 O. L., 52), as amended May 15, 1886 (83 O. L., 165), and as amended March 14, 1888 (85 O. L., 80).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 148a of the Revised Statutes of Ohio, supplementary to section 148 of said Revised Statutes, passed March 18, 1884 (81 O. L., 52), as amended May 15, 1886 (83 O. L., 165), and as amended March 14, 1888 (85 O. L., 80), be and the same is hereby amended so as to read as follows:

Fees to be
charged by
secretary of
state for official
services.

Sec. 148a. The secretary of state shall hereafter charge and collect the following fees for official services:

1. For filing the articles of incorporation of any corporation whose capital stock is ten thousand dollars or under, ten dollars; of a corporation whose capital stock is over ten thousand dollars, one-tenth of one per cent. upon the authorized capital stock of such corporation.

Fees to be charged by secretary of state for official services.

2. For filing a certificate of increase of the capital stock of any corporation having a capital stock where the amount of the increase is ten thousand dollars or under, ten dollars; where the amount of increase is over ten thousand dollars, one-tenth of one per cent. upon the proposed amount of increased capital.

3. For filing articles of agreements of consolidation of corporations having a capital stock, the following fees shall be collected by the secretary of state: Said articles of agreements of consolidation shall be treated as the articles of incorporation of the new consolidated corporations created by such articles or agreements of consolidation, and the fees for filing such articles or agreements of consolidation, shall be the same in each case as is herein before set forth for the filing of articles of incorporation of a corporation having the same amount of capital stock, as is provided for by the articles or agreements of consolidation for the new consolidated corporation, created by any such articles or agreement of consolidation; and in fixing the amount of such fees, no credit shall be allowed for fees previously paid by any of the constituent corporations, parties to such consolidation, but the same shall be determined solely by the amount of capital stock of the new corporation created by such articles or agreements of consolidation.

4. For filing the articles of incorporation of any mutual insurance corporation not having a capital stock, or of any other mutual corporation not organized strictly for benevolent or charitable purposes and having no capital stock, or of any corporation organized for any of the purposes mentioned in section 3630 of the Revised Statutes of Ohio, or in the sections supplementary thereto, twenty-five dollars, save and except as hereinafter provided.

5. For filing the articles of incorporation of corporations formed for religious, benevolent or literary purposes; or of such corporations as are not organized for profit, have no capital stock, and are not mutual in their character; or of religious or secret societies, or of societies or associations composed exclusively of any class of mechanics, express, telegraph, railroad or other employes, formed for the mutual protection and relief of the members thereof and their families exclusively, two dollars.

6. For filing the articles of incorporation of corporations formed for the purposes named in section 3833 of the Revised Statutes, ten dollars; for filing a certificate of the increase of the capital stock of any such corporation, five dollars.

7. For filing a certificate of the reduction of the capital stock of any corporation, five dollars.

8. For filing a copy of the decree of court, changing the name of any corporation, five dollars.

9. For filing a certified copy of the acceptance by any corporation incorporated prior to the adoption of the present constitution, of any of the provisions of the Revised Statutes, five dollars.

10. For filing an amendment to the articles of incorporation of any corporation, twenty cents a hundred words, to be in no case less than five dollars.

Fees to be
charged by
secretary of
state for official
services.

11. For filing for a railroad company a certificate of extension of line, a certificate of change of termini, a certificate of the adoption or change of location, a certificate of the intention of the corporation to construct a branch line, or a certificate of change of route, twenty cents a hundred words, to be in no case less than five dollars.

12. For filing a certificate of the extension of purpose, or change of domicile, of any corporation, five dollars.

13. For filing other certificates not herein enumerated, except certificates of election, for filing which no charge shall be made, twenty cents a hundred words, to be in no case less than five dollars.

14. For filing the copy of papers evidencing the incorporation of any municipal corporation, the annexation of territory by any municipal corporation, or the advancement or reduction in grade of any municipal corporation, five dollars, to be paid by the corporation, the petitioners therefor, or their agent.

15. For filing the certificate of subscription required to be filed by section 3244 of the Revised Statutes, two dollars.

16. For filing a name, or names or initials by manufacturers, bottlers and dealers in ginger ale, seltzer-water, soda-water, mineral-water and other beverages, under the act of April 9, 1880 (77 O. L., 140), five dollars.

17. For making every certificate under the great seal of the state, one dollar.

18. For recording miscellaneous records, papers, or other documents, required by law to be recorded in the office of the secretary of state, twenty cents a hundred words.

19. For making copies of articles of incorporation, and for making copies in other cases, the fees provided for in original section one hundred and forty-eight of the Revised Statutes shall be charged; and all fees herein established shall be paid into the state treasury as provided in said original section; and the secretary of state shall neither file nor record any of the articles of incorporation, certificates or other papers herein above referred to, unless the fees for filing same are first duly paid.

SECTION 2. Said section 148a of the Revised Statutes of Ohio, supplementary to section 148 of said Revised Statutes, passed March 18, 1884, as amended May 15, 1886, and as amended March 14, 1888, is hereby repealed; and this act shall take effect on May 1st, after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed February 12, 1889.

[House Bill No. 824.]

AN ACT

Making partial appropriations for the last three-quarters of the fiscal year ending November 15, 1889, and the first quarter of the fiscal year ending February 15, 1890.

Act making
partial appro-
priations for
state depart-
ments and in-
stitutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, the following sums for the purposes hereinafter specified, to-wit:

Adjutant-General's Department:

Salary of adjutant-general, two thousand dollars (\$2,000).
Salary of assistant adjutant-general, fifteen hundred dollars (\$1,500).
Salary of chief clerk, fourteen hundred dollars (\$1,400).
Salary of assistant clerk, two hundred dollars (\$200).
Salary of four transcribing clerks, twelve hundred dollars (\$1,200).
Salary of superintendent of state arsenal, ordinance clerk and book-keeper, twelve hundred dollars (\$1,200).
Contingent expenses and inspection, four hundred dollars (\$400).
Transportation for indigent soldiers, fifty dollars (\$50).
Care of military stores and freight on arms, three hundred dollars (\$300).
For making soldiers' roster for publication, three thousand dollars (\$3,000).
For expense of shipping roster of Ohio troops, three hundred dollars (\$300).
For publishing roster of Ohio troops, five thousand dollars (\$5,000).

State House and Grounds:

Salary of superintendent of laborers, nine hundred dollars (\$900).
Salary of one engineer, one thousand dollars (\$1,000).
Salary of two firemen, five hundred dollars (\$500).
Salary of janitor of flag-room, seven hundred and twenty dollars (\$720).
Salary of visitors' attendant, seven hundred and twenty dollars (\$720).
Salary of day policeman, seven hundred and twenty dollars (\$720).
Salary of night policeman, eight hundred dollars (\$800).
Salary of four regular laborers, five hundred dollars (\$500).
Extra labor, five hundred dollars (\$500).
Material and repairs, five hundred dollars (\$500).
Fuel for state house, four hundred dollars (\$400).
Water rent, one thousand dollars (\$1,000).
Care and repair of heating apparatus, three hundred dollars (\$300).

Agriculture:

Contingent expenses of board, two hundred dollars (\$200).
For the encouragement of agriculture, fifteen hundred
dollars (\$1,500).

Act making
partial appro-
priations for
state depart-
ments and in-
stitutions.

Attorney-General:

Salary of attorney-general, fifteen hundred dollars (\$1,500).
Salary of clerk, one thousand dollars (\$1,000).
Contingent expenses, one hundred dollars (\$100).
Fees on collections, five hundred dollars (\$500).

Auditor of State:

Salary of auditor, three thousand dollars (\$3,000).
Salary of chief clerk, two thousand dollars (\$2,000).
Salary of book-keeper, sixteen hundred dollars (\$1,600).
Salary of railroad and bank clerk, fifteen hundred dol-
lars (\$1,500).
Salary of land clerk, fifteen hundred dollars (\$1,500).
Salary of canal and trust fund clerk, fourteen hundred
dollars (\$1,400).
Salary of statistical clerk, twelve hundred dollars (\$1,200).
Contingent expenses, four hundred dollars (\$400).
For salary of stenographer, eight hundred dollars (\$800).
For purchase of type writer, one hundred dollars (\$100).

Board of Pardons:

Expenses of board, two hundred dollars (\$200).
Salary of secretary, three hundred dollars (\$300).

Board of Public Works:

Salaries of members, twenty-four hundred dollars (\$2,400).
Salaries of engineers, thirty-six hundred dollars (\$3,600).

Board of State Charities:

Expenses of board, four hundred dollars (\$400).

Commissioner of Common Schools:

Salary of commissioner, two thousand dollars (\$2,000).
Traveling expenses of commissioner, two hundred dol-
lars (\$200).
Salary of chief clerk, seventeen hundred and fifty dollars
(\$1,750).
Salary of second clerk, twelve hundred dollars (\$1,200).
Contingent expenses, one hundred and fifty dollars (\$150).
Boxing and shipping reports, fifty dollars (\$50).

Commissioner of Railroads and Telegraphs:

Salary of commissioner, two thousand dollars (\$2,000).
Salary of chief clerk, twelve hundred dollars (\$1,200).

Act making
partial appro-
priations for
state depart-
ments and in-
stitutions.

Salary of assistant clerk, one thousand dollars (\$1,000).
Experts to examine bridges, two hundred dollars (\$200).
Contingent expenses, one hundred dollars (\$100).
Expenses outside of office, one hundred dollars (\$100).

Commissioner of Statistics of Labor :

Salary of commissioner, two thousand dollars (\$2,000).
Clerk hire, four hundred dollars (\$400).
Contingent expenses, four hundred dollars (\$400).
Traveling expenses, one hundred dollars (\$100).

Executive Department :

Salary of governor, eight thousand dollars (\$8,000).
Salary of private secretary, eight hundred dollars (\$800).
Salary of executive clerk, fifteen hundred dollars (\$1,500).
Salary of assistant executive clerk, twelve hundred dol-
lars (\$1,200).
Contingent expenses, clerk hire and newspapers, five
hundred dollars (\$500).
Salary of lieutenant-governor, eight hundred dollars
(\$800).

Inspector of Mines :

Salary of chief inspector, two thousand dollars (\$2,000).
Salaries of district inspectors, six thousand dollars (\$6,000).
Contingent expenses of mine inspectors, one thousand
dollars (\$1,000).
Clerk hire, two hundred dollars (\$200).

Inspector of Workshops and Factories :

Salary of chief inspector, fifteen hundred dollars (\$1,500).
Salaries of district inspectors, three thousand dollars
(\$3,000).
Traveling expenses of chief inspector, two hundred dol-
lars (\$200).
Traveling expenses of district inspectors, four hundred
dollars (\$400).
Contingent expenses, three hundred dollars (\$300).
Clerk hire, two hundred dollars (\$200).

Judiciary :

Salaries of supreme, circuit, superior and common pleas
judges, two hundred and ninety-eight thousand five hundred
dollars (\$298,500).

Law Library :

Salary of law librarian, fifteen hundred dollars (\$1,500).
Salary of assistant law librarian, one thousand dollars
(\$1,000).
Contingent expenses, two hundred dollars (\$200).
Books for law library, four hundred dollars (\$400).

Legislature:

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes, fifty thousand dollars (\$50,000).

Act making partial appropriations for state departments and institutions.

Expenses of legislative committees, five hundred dollars (\$500).

Ohio Dairy and Food Commissioners:

Salary of commissioner, fifteen hundred dollars (\$1,500).

Expenses of commissioner, one hundred and fifty dollars (\$150).

Salaries of assistant commissioners, two thousand dollars (\$2,000).

Expenses of assistant commissioners, three hundred dollars (\$300).

Compensation of state chemist, two hundred dollars (\$200).

Ohio Penitentiary:

Per diem of managers, five thousand dollars (\$5,000).

Salaries of officers, five thousand dollars (\$5,000).

Salaries of guards, fifteen thousand dollars (\$15,000).

Current expenses, thirty thousand dollars (\$30,000).

Manufacture of gas, fifteen hundred dollars (\$1,500).

Water works,

Expenses attending executions, five hundred dollars (\$500).

Ordinary repairs, two thousand dollars (\$2,000).

Prosecution and transportation of convicts, twenty thousand dollars (\$20,000).

Secretary of State:

Salary of secretary of state, two thousand dollars (\$2,000).

Salary of chief clerk, two thousand dollars (\$2,000).

Salary of statistical clerk, fifteen hundred dollars (\$1,500).

Salary of stationery clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of recording clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of corporation clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of superintendent of book-room, eight hundred dollars (\$800).

Stationery, three thousand dollars (\$3,000).

Printing paper, five thousand dollars (\$5,000).

For completing statistical report of ex-secretary of state, two hundred dollars (\$200).

State Library:

Salary of state librarian, fifteen hundred dollars (\$1,500).

Salary of assistant librarian, twelve hundred dollars (\$1,200).

Act making
partial appro-
priations for
state depart-
ments and in-
stitutions.

Salary of janitor, four hundred and eighty dollars (\$480).
Books, magazines and papers, three hundred dollars (\$300).
Contingent expenses, one hundred dollars (\$100).

Superintendent of Insurance:

Salary of superintendent, two thousand dollars (\$2,000).
Salary of chief clerk, fifteen hundred dollars (\$1,500).
Salary of examining clerk, fifteen hundred dollars (\$1,500).
Salary of book-keeper, twelve hundred dollars (\$1,200).
Salary of corresponding clerk, one thousand dollars (\$1,000).
Salary of mailing clerk, eight hundred dollars (\$800).
Salary of extra clerks, five hundred dollars (\$500).
Contingent expenses, four hundred dollars (\$400).

Supervisor of Public Printing:

Salary of supervisor, eighteen hundred dollars (\$1,800).
State binding, five thousand dollars (\$5,000).
State printing, five thousand dollars (\$5,000).

Supreme Court:

Contingent expenses, three hundred dollars (\$300).
Salary of janitor, eight hundred dollars (\$800).

Clerk of Supreme Court:

Salary of deputy clerk, twelve hundred dollars (\$1,200).
For extra clerk hire, two hundred dollars (\$200).
Salary of clerk of supreme court, fifteen hundred dollars (\$1,500).

Reporter of Supreme Court:

Salary of reporter, one thousand dollars (\$1,000).
Contingent expenses, one hundred dollars (\$100).

Treasurer of State:

Salary of treasurer, three thousand dollars (\$3,000).
Salary of cashier, two thousand dollars (\$2,000).
Salaries of two book-keepers, twenty-seven hundred dollars (\$2,700).
Salary of messenger and janitor, six hundred dollars (\$600).
Salary of two night watchmen, sixteen hundred dollars (\$1,600).
Collecting auditor of state's drafts, five hundred dollars (\$500).

Athens Asylum for the Insane:

Current expenses, twenty-five thousand dollars (\$25,000).
Ordinary repairs, twelve hundred dollars (\$1,200).
Salaries of officers, fifteen hundred dollars (\$1,500).

Cleveland Asylum for the Insane:

Current expenses, twenty-five thousand dollars (\$25,000).
 Salaries of officers, twelve hundred dollars (\$1,200).
 Ordinary repairs, one thousand dollars (\$1,000).

Act making
 partial appro-
 priations for
 state depart-
 ments and in-
 stitutions.

Columbus Asylum for the Insane:

Current expenses, twenty-five thousand dollars (\$25,000).
 Salaries of officers, fifteen hundred dollars (\$1,500).
 Ordinary repairs, fifteen hundred dollars (\$1,500).

Dayton Asylum for the Insane:

Current expenses, twenty thousand dollars (\$20,000).
 Salaries of officers, thirteen hundred dollars (\$1,300).
 Ordinary repairs, one thousand dollars (\$1,000).

Toledo Asylum for the Insane:

Current expenses, thirty thousand dollars (\$30,000).
 Salaries of officers, fifteen hundred dollars (\$1,500).
 Ordinary repairs, one thousand dollars (\$1,000).

Longview Asylum for the Insane:

Current expenses, twenty-five thousand dollars (\$25,000), to be paid out in— This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the directors of said asylum upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amounts.

Boys' Industrial School:

Current expenses, seven thousand dollars (\$7,000).
 Salaries of officers and teachers, five thousand dollars (\$5,000).
 Expenses of trustees, one hundred dollars (\$100).
 Ordinary repairs, five hundred dollars (\$500).

Girls' Industrial Home:

Salaries of officers and teachers, four thousand five hundred dollars (\$4,500).
 Expenses of trustees, two hundred dollars (\$200).

Ohio Institution for the Blind:

Current expenses, eight thousand dollars (\$8,000).
 Salaries of officers and teachers, three thousand dollars (\$3,000).

Institution for the Deaf and Dumb:

Act making
partial appro-
priations for
state depart-
ments and in-
stitutions.

Current expenses, ten thousand dollars (\$10,000).
Salaries of officers and teachers, five thousand dollars (\$5,000).
Ordinary repairs, one thousand dollars (\$1,000).
Salary of foreman of carpenter shop, seven hundred dollars (\$700).
Salary of foreman of shoe shop, seven hundred dollars (\$700).
Salary of foreman of printing office, seven hundred dollars (\$700).
Salary of foreman of tailor shop, seven hundred dollars (\$700).
Supplies for carpenter shop, one hundred dollars (\$100).
Supplies for printing office, one hundred dollars (\$100).
Supplies for tailor shop, two hundred dollars (\$200).
Supplies for shoe shop, two hundred dollars (\$200).
Lumber and nails for state boxes, two hundred dollars (\$200).

Institution for Feeble-Minded Youth:

Current expenses, twenty thousand dollars (\$20,000).
Ordinary repairs, one thousand dollars (\$1,000).
Salaries of officers and teachers, three thousand dollars (\$3,000).
Expenses of trustees, one hundred dollars (\$100).
In payment for horses, mules, wagons, and teaming during the years 1887 and 1888, thirty-one hundred and forty-one and 31-100 dollars (\$3,141.31), which amount was covered by the earnings of this account during those years.

Ohio Soldiers' and Sailors' Home:

Current expenses, ten thousand dollars (\$10,000).
Officers' salaries, two thousand dollars (\$2,000).
Expenses of members of board, two hundred dollars (\$200).
Ordinary repairs, five hundred dollars (\$500).

Ohio Soldiers' and Sailors' Orphans' Home:

Current expenses, twenty thousand dollars (\$20,000).
Salaries of officers and teachers, four thousand dollars (\$4,000).
Expenses of trustees, one hundred dollars (\$100).
Salaries of foremen of industrial pursuits, fifteen hundred dollars (\$1,500).
For the purchase of sixteen acres of land, thirty-two hundred dollars (\$3,200).

State Board of Health:

General expenses of the board, one thousand dollars (\$1,000).

SECTION 2. The moneys appropriated in the last preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15th, 1889, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

Act making partial appropriations for state departments and institutions.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for horses or cows, carriages or wagons, carpets or furniture, or any expenses for officers attending state, inter-state or national associations of benevolent institutions, shall be paid out of appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn, except on a requisition on the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase, and the time of service; and it shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 442.]

AN ACT

To amend section 1123 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1123 of the Revised Statutes of Ohio be amended so as to read as follows:

Advance payments may be made to local authorities.

Sec. 1123. Whenever the local authorities so request, the county auditor may draw, and the county treasurer shall pay on such draft to township, city, village, and hamlet treasurers, and the treasurers of city and village boards of education, between the fifteenth and thirtieth days of December and June, each year, any sum not exceeding two-thirds of the current collection of taxes for such local authorities, respectively, in advance of the semi-annual settlements; provided, that in counties containing a city of the first class, second grade, whenever the finance committee of the council or board of education of any city or village, or the trustees or board of education of any township or hamlet so request, the county auditor shall draw, and the county treasurer shall pay on such draft at any time after the twentieth days of December and June each year, any sum or sums which shall not exceed in aggregate the limit herein specified, in advance of such semi-annual settlements.

SECTION 2. That section 1123 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 13, 1889.

[House Bill No. 859.]

AN ACT

To amend sections three and four of an act entitled "an act to create a depository commission in all cities of the third grade of the first class, and to establish a depository for the funds of such cities, and for other purposes," passed April 13, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three and four of the act entitled "an act to create a depository commission in all cities of the third grade of the first class, and to establish a depository for the funds of such cities, and for other purposes," passed April 13, 1888, be so amended as to read as follows:

Advertisement
for proposals
from banks for
use of the pub-
lic moneys.

Sec. 3. That upon the taking effect of this act, and thereafter biennially, such commission shall publish, in two daily newspapers printed and of general circulation in the city, on the second day of the week, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of section one, which proposals shall stipulate the rate of interest, not less than one per centum, that will be paid for the use of the money aforesaid and as provided herein; and each such proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case its proposal be accepted.

Opening of
proposals;
award; rejection
of proposals
and re-ad-
vertising.

Sec. 4. That on the Monday following the last publication of such notice, at the hour of twelve o'clock, noon, the commission shall, in open session, open such sealed proposals, and shall award the use of such money to the bank offering the highest rate of interest therefor; but if two or more banks offer the same highest rate of interest therefor, the use of the money may be awarded to either of them, or the commission may reject all proposals and advertise for others in the manner aforesaid; and if no proposals are received offering a rate of interest as required by section three, the commission shall, at once, again advertise in the manner aforesaid for such proposals; and if satisfactory proposals are not received the commission shall continue, in the manner aforesaid, to advertise for such proposals until acceptable proposals are received; but each said subsequent advertisement shall also state whether any proposal was received under the preceding advertisement, and if any was received, from what bank and the rate of interest offered.

SECTION 2. That said original sections three and four are hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed February 13, 1889.

[House Bill No. 860.]

AN ACT

To amend sections two and three of an act entitled "an act to require the county commissioners in counties containing a city of the third grade of the first class to provide a depository for the public money, and for other purposes," passed April 13, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections two and three of the act entitled "an act to require the county commissioners in counties containing a city of the third grade of the first class to provide a depository for the public money, and for other purposes," passed April 13, 1888, be so amended as to read as follows:

Sec. 2. The commissioners shall, on the taking effect of this act, and thereafter biennially, publish, in two daily newspapers published and of general circulation in the county, on the second day of the week, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest, not less than one per centum, that will be paid for the use of the money of the county as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case the proposal be accepted.

Advertising for
 proposals from
 banks to act as
 depositories.

Sec. 3. On the Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may reject all proposals and advertise for others in the manner aforesaid; and if no proposals are received offering a rate of interest as required in section two, the commissioners shall at once, again advertise in the manner aforesaid for such proposals; and if satisfactory proposals are not received, the commissioners shall continue in the manner aforesaid to advertise for such proposals until acceptable proposals are received; but each said subsequent advertisement shall also state whether any proposal was received under the preceding advertisement, and if any was received, from what bank, and the rate of interest offered.

Opening of
 proposals;
 award; rejection,
 re-advertising.

SECTION 2. That said original sections two and three are hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 13, 1889.

[House Bill No. 788.]

AN ACT

For the relief of Lucien B. Collins, of Co. B, 5th Regiment, Ohio National Guard, and to reimburse him for moneys expended and for loss of time and sickness by reason of a gun-shot wound received by him at Fairport, Lake county, Ohio, while in the line of his duty in helping suppress a riot.

For relief of
Lucien B.
Collins.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasurer to pay Lucien B. Collins, of Co. B, 5th Regiment of infantry, of Ohio, National Guards, and now living at Cleveland, Cuyahoga county, Ohio, the sum of three hundred dollars (\$300), out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated; which sum shall be in full liquidation and payment to said Lucien B. Collins for loss, through sickness caused by wounds received by him in the line of duty, as a member of the Ohio National Guard, while being called out under the governor of the state to suppress a riot at Fairport, Lake county, Ohio, in the year A. D. 1887.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 14, 1889.

[Senate Bill No. 350.]

AN ACT

To authorize and empower the inspector of workshops and factories to inspect halls and other public buildings in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2572 of the Revised Statutes of Ohio be amended by adding supplementary sections as follows:

Inspections
dispensed with
in certain cases.

Sec. 2572a. That whenever any structure referred to in section 2572 shall have been inspected by the state inspector of shops and factories, and such inspector shall have issued to the owner thereof or his agent, a certificate that such struc-

ture is properly arranged for the safe and speedy egress of persons who may be assembled therein, and also properly provided for the extinguishment of fire at or in such structure, as now provided by law, then such certificate shall dispense with all other inspections and certificates required by law in regard to the safety of such structures for public assemblages.

Sec. 2572b. It shall be the duty of the state inspector of shops and factories to make such inspection whenever called upon by written demand of the agent or owner of such structure, or upon the written request of five or more citizens of the municipal corporation where such structure is located, and not otherwise.

When inspection to be made.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[Senate Bill No. 451.]

AN ACT

Making appropriation for temporary equipment and supplies for the Ohio State University.

WHEREAS, The building at the Ohio State University known as the chemical laboratory building, in which were the class-rooms and laboratories of general chemistry, agricultural chemistry, mining and metallurgy and veterinary science, with its contents, was on the morning of February 12, 1889, destroyed by fire, whereby over two hundred students attending said classes and laboratories are greatly embarrassed and discommoded in the prosecution of their studies; and

Appropriation for temporary equipment and supplies for Ohio State University.

WHEREAS, It is desirable that arrangements shall at once be made to enable them to continue such studies and laboratory work:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of five thousand dollars be and is hereby appropriated for the Ohio State University for the purpose of providing temporary equipments and supplies for the departments of general chemistry, agricultural chemistry, mining and metallurgy and veterinary science.

SECTION 2. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 712.]

AN ACT

To amend section 5481 of the Revised Statutes of Ohio.

How disobedience of order punished.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5481 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 5481. If a person, party or witness, disobeys an order of the judge, court or referee, duly served, he may be punished as for contempt; and such referee may at his discretion report the case to the court, or judge, and such court or judge may punish for contempt as provided in chapter 4, division 7, title 1, of the Revised Statutes of Ohio.

SECTION 2. That section 5481 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 813.]

AN ACT

To prevent the wasting of natural gas and to provide for the plugging of all abandoned wells.

To prevent wasting of natural gas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act any person or corporation, and each and every of them, in possession, whether as owner, lessee, agent or manager, of any well in which natural gas has been found, shall, unless said gas is sooner utilized, within a reasonable time, not however, exceeding three (3) months from the completion of said well, in order to prevent the said gas wasting by escape, shut in and confine the same in said well until such time as it shall be utilized; provided, however, that this section shall not apply to any well while it is being operated as an oil well.

Abandoned wells must be plugged.

SECTION 2. That whenever any well shall have been put down for the purpose of drilling or exploring for gas, upon abandoning or ceasing to operate the same, the person or corporation in possession as aforesaid shall, for the purpose of excluding all fresh water from the gas bearing rock, and before drawing the casing, fill up the well with sand or rock sediment to a depth of at least twenty (20) feet above the gas bearing rock, and drive a round, seasoned wooden plug, at least three (3) feet in length, equal in diameter to the diameter of the well below the casing, to a point at least five (5) feet below the bottom of the casing; and immediately after

drawing the casing shall drive a round, seasoned wooden plug at a point just below where the lower end of the casing rested, which plug shall be at least three (3) feet in length, tapering in form, and of the same diameter at the distance of (18) inches from the smaller end as the diameter of the hole below the point at which it is to be driven. After the plug has been properly driven there shall be filled on top of the same sand or rock sediment to the depth of at least five (5) feet.

SECTION 3. Any person or corporation who shall violate any of the provisions of the first or second sections of this act shall be liable to a penalty of two hundred dollars (\$200) for each and every violation thereof, and to the further penalty of two hundred dollars (\$200) for each thirty (30) days during which said violation shall continue; and all such penalties shall be recovered, with cost of suit, in a civil action or actions, in the name of the state, for the use of the county in which the well shall be located.

Penalty.

SECTION 4. Whenever any person or corporation in possession of any well in which gas has been found shall fail to comply with the provisions of the first section of this act, any person or corporation lawfully in possession of lands situate adjacent to or in the neighborhood of said well may enter upon the lands upon which said well is situated and take possession of said well from which gas is allowed to escape, or waste, in violation of said first section, and tube and pack said well, and shut in said gas, and may maintain a civil action in any court of this state against the owner, lessee, agent or manager of said well, and each and every of them, jointly and severally, to recover the cost thereof. This shall be in addition to the penalties provided by the third section of this act.

May maintain civil action against owner or lessee for neglect.

SECTION 5. Whenever any person or corporation shall abandon any gas well, and shall fail to comply with the second section of this act, any person or corporation lawfully in possession of lands adjacent to or in the neighborhood of said well, may enter upon the land upon which said well is situated and take possession of said well, and plug the same in the manner provided by the second section of this act, and may maintain a civil action in any court of this state against the owner or person abandoning said well, and every of them, jointly and severally, to recover the cost thereof. This shall be in addition to the penalties provided by the third section of this act.

Adjacent land-owners may take possession and plug wells.

SECTION 6. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 965.]

AN ACT

To amend section 1631 of the Revised Statutes of Ohio, as amended January 25, 1887.

Boundaries of
wards to be by
streets, alleys,
etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1631 of the Revised Statutes of Ohio, as amended January 25, 1887, be amended so as to read as follows:

Sec. 1631. All wards hereafter established or changed shall be bounded, so far as practicable, by streets, alleys, avenues, public grounds, canals, water-courses, corporation lines, center-lines of platted streets, or railroads, and be composed of adjacent and compact territory; and the several wards at the time of redistricting shall contain as nearly an equal number of inhabitants as may be practicable.

SECTION 2. That said section 1631, as amended January 25, 1887, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 396.]

AN ACT

To amend section 2792 of the Revised Statutes, relating to the assessment of lands for taxation.

Tracts to be
valued separately,
and
rules therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2792 of the Revised Statutes be amended so as to read as follows:

Sec. 2792. Each separate parcel of real property shall be valued at its true value in money, excluding the value of the crops growing thereon; but the price for which such real property would sell at auction, or at forced sale, shall not be taken as the criterion of the true value, and where the fee of the soil of any tract, parcel or lot of land is in any person or persons natural or artificial, and the right to any minerals therein in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interests listed, and shall be taxed to the parties owning different interests, respectively; provided, the assessor shall deduct from the value of any such tracts of land lying outside of municipal corporations, the amount of land occupied and used by a canal or used as a public highway, at the time of such assessment, and if the assessor fails to do so, the

county auditor is hereby authorized to make the deductions as herein provided.

SECTION 2. Said original section 2792 is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 366.]

AN ACT

To amend section 5167 of the Revised Statutes of Ohio, as amended March 20, 1885 (82 O. L., 91).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5167 of the Revised Statutes of Ohio, as amended March 20, 1885, be so amended as to read as follows:

Sec. 5167. The clerk of the court shall, within five days from the receipt of the list, write the names of each person so selected, upon a separate piece of paper, which he shall put into a box, to be provided by him at the expense of the county, and securely kept for the purpose, and shall, at the clerk's office, between the hours of ten o'clock forenoon and twelve o'clock noon, on the fourth Monday previous to the sitting of the court of common pleas, in the presence of the sheriff, by whom the box shall be shaken before the drawing is made, so as to mix the ballots on which the names are written, and in presence of any other citizens who may choose to attend, proceed to draw twenty-seven ballots, and such additional number of ballots, if any, not exceeding eight, as the judge of the court of common pleas in vacation or term time may direct, but if any ballots so drawn shall bear the name of a person who at the time of such drawing is known by the clerk to be deceased or to have become a non-resident of the county, every such ballot shall be destroyed and the same shall not be counted, and the clerk shall continue such drawing until he shall have drawn the required number of ballots, exclusive of those destroyed as aforesaid, the persons named on the first fifteen of which shall be summoned as grand jurors, and those named on the remainder shall be summoned as petit jurors, and in case of challenge, inability to serve, or other cause, it becomes necessary to fill the panel, the whole of the number of persons so summoned as petit jurors shall be first exhausted before resorting to other means to fill the same; and the clerk shall forthwith issue a venire to the sheriff, commanding him to summon the persons whose names are so drawn to attend as jurors, at the seat of justice of the county, on the first day of the next term of the court of common pleas, holden therein,

The drawing of
grand and petit
jurors.

at ten o'clock A. M., unless the judge of the court of common pleas, by order made in vacation or term time, direct on what day of the term the petit jurors shall appear, whereupon the clerk shall issue a venire accordingly.

SECTION 2. Said section 5167, as amended March 20, 1885, is hereby repealed; and this act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 398.]

AN ACT

To provide for the enclosure of abandoned burial grounds.

Providing for
the enclosure
of abandoned
burial grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of each county shall within six months after the passage of this act, enclose with a substantial fence of stone, iron, or posts and boards all abandoned public burial grounds, in their several counties, not included within the limits of any municipal corporations, and from which the remains of the dead have not been removed. The expense of such enclosure shall be paid out of the general fund of such county.

SECTION 2. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 497.]

AN ACT

To authorize any railway company organized under the laws of this State, to issue storage or warehouse certificates on iron ore, grain or other merchandise in store or in storage yards, or on their wharves or in their elevators.

Authorizing
railway com-
panies to issue
storage or ware-
house certifi-
cates.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any railway company, organized under the laws of this state, upon the receipt of iron ore or grain or other merchandise from any vessel, water-craft or other source for storage and deposit, duly consigned to said company may, upon the request or demand of the owner or owners of said ore, grain or other merchandise, and with the written consent

of the consignee, issue to the owner or owners of said ore, grain or other merchandise, a certificate, receipt or voucher, which certificate, receipt or voucher, shall name the railway company by whom said ore or grain or other merchandise is held at the time said certificate, receipt or voucher is issued, to whom said ore, grain or other merchandise was consigned, the quantity held by said company, and so near as may be the quality or grade thereof, but not incurring any liability for the grade or quality, which certificate, receipt or voucher, shall be signed by the president or vice president of said company, and countersigned by the general agent of said company appointed for that purpose, or such other officers as may be appointed by said railway company, and shall be transferable and negotiable by indorsement thereon, by the person or persons to whose order the same is made payable. That on the presentation of said certificate, receipt or voucher, so indorsed to said railway company at its general offices, the holder or holders thereof and on demand, the said railway company shall deliver to said holder or holders, the iron ore or grain or other merchandise so described therein, on the payment by such person or persons to said railway company all proper charges thereon.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 549.]

AN ACT

To amend section 4438 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4438 of the Revised Statutes of the state of Ohio be and the same is hereby amended to read as follows, viz:

Contents of a
barrel.

Sec. 4438. The barrel shall be equal to thirty-one and one-half gallons, and two barrels shall constitute a hogshead; and barrels for the purpose of containing apples or potatoes or any other kind of fruit or produce, shall be made of staves of seasoned timber twenty-eight and one-half inches in length, with cut heads of seventeen and one-eighth inches in diameter.

SECTION 2. That section 4438 is hereby repealed; and this act shall take effect from its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 908.]

AN ACT

To repeal an act, entitled "an act to enact supplementary sections to section 4895 of the Revised Statutes."

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections supplementary to section 4895 of the Revised Statutes, with sectional numbering as follows: 4895a, 4895b, 4895c, 4895d, 4895e, 4895f, 4895g, 4895h, and 4895i, passed April 6, 1888, be and the same are hereby repealed.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 912.]

AN ACT

To establish a board of fire commissioners in cities of the third grade of the first class, who shall have the management and control of the fire department.

Establishing
board fire com-
missioners in
cities of third
grade, first
class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every city of the third grade of the first class, the management and control of the fire department shall be vested in a board of fire commissioners, composed of four members, each having the qualifications of electors of such city, and two of whom shall be appointed from each of the two leading political parties by the mayor of each such city, subject to the approval and confirmation of the common council thereof; the two of said commissioners appointed from the same political party shall serve for one and three years respectively, and the two of said commissioners appointed from the other political party shall serve for two and four years respectively, and the term of office of each shall continue until his successor is appointed, confirmed and qualified as herein provided; and annually thereafter, the mayor of each such city, shall in like manner appoint, subject to the approval and confirmation of the common council thereof, a commissioner of like qualifications and from the same political party as the commissioner whom he is to succeed, whose term of office shall be four years, and until his successor is selected and qualified as provided herein. Any vacancy in said board shall be filled for the unexpired term in the same manner and subject to all the conditions herein provided for a full term commissioner; and all members of said board shall take an oath of office and serve without compensation.

SECTION 2. That the member of said board having the shortest term to serve shall be the president thereof, and the chief of the fire department shall serve as the secretary of said board and as a part of his duty. •

President and
secretary.

SECTION 3. That a majority of the members of the board, three members thereof being always necessary to constitute a majority, shall be a quorum for the transaction of business, but no appointment of men shall be valid unless approved by a majority of the members of the board, and the vote, in making such appointments, shall be by ayes and nays and fully recorded in the minutes of the secretary.

Quorum.

SECTION 4. That the board shall hold regular monthly meetings; special meetings may be called by the president or any two members of the board; and notice of each special meeting shall be served by the secretary upon each member of the board in person, or by leaving a written notice of the same at his place of residence.

Meetings.

SECTION 5. That the board shall cause an accurate record of its proceedings to be made in a book to be provided for that purpose, all or any part of which, or a copy thereof, shall be received as evidence when certified as correct by the president and secretary; and a majority of the members of such board shall be necessary to order the expenditure of money or to make any contract, and the vote thereon shall be taken by ayes and nays, and entered upon the minutes.

Proceedings.

SECTION 6. That the board shall prescribe the duties of the officers and members of the department, and from time to time make such rules and regulations for the government of the force as may be found necessary, which said rules and regulations shall have the force and effect of ordinances, when approved by the common council.

Duties, rules
and regula-
tions.

SECTION 7. That the board shall make all necessary repairs of houses, engines, and other apparatus belonging to the department, purchase all necessary supplies, and contract in the name of the city for tools, hose and other equipments; but no commissioner, officer or employe shall have the power to incur any liability unless authorized to do so at a meeting of the board.

Expenditures,
how author-
ized.

SECTION 8. That the board shall, on the last Friday of April, annually, certify to the common council the amount necessary to be levied on the tax duplicate for the support of the department for the ensuing year, and so much thereof as may be allowed by the common council (which shall not be reduced below one and one-half ($1\frac{1}{2}$) mills on the dollar on the taxable property in such city) shall form a part of the tax levy and be placed to the credit, and shall be used exclusively for the use of the fire department; but said board shall have no power to incur any liability on behalf of any such city beyond the amount so levied and set apart, and all claims on account of the department shall be approved by a majority of the board, and when so approved, referred to the common council for payment.

Levy of tax.

SECTION 9. That the board shall appoint an executive officer, who shall be known as the chief of the fire depart-

Chief fire de-
partment; how
appointed.

ment, who shall serve for one year, and until his successor is duly appointed, and who shall have the management of the department in service, and they shall also appoint such members and employes as may be necessary for the efficient management of the department; and said board may suspend, without notice, and may discharge [or remove] after due notice and trial said chief or any member or employe for inefficiency, or for other good and sufficient cause, other than political; and without cause, upon written notice given thirty days prior to removal; provided, that all members of said board concur in said discharge or removal; and all votes on suspensions and discharges or removals shall be by ayes and nays, and fully recorded in the minutes.

Annual report
to council.

SECTION 10. That it shall be the duty of said board to make a detailed and accurate account of all the expenses of the department, with the amount appropriated by the city council to pay said expenses, which, with the annual report of the chief, giving in detail the doings of the department during the year, shall be presented to the common council at the last regular meeting in March annually.

Fire alarm
telegraph.

SECTION 11. That the fire alarm telegraph shall be attached to and be a part of the fire department, and be under the control and subject to the regulations of the board, which shall annually appoint a superintendent thereof, and such other officers and employes as may be necessary.

Powers and
duties chief
fire depart-
ment.

SECTION 12. That the board may invest the chief or other officer of the fire department, with the power, and impose on him the duty, to be present at all fires; investigate the cause thereof; examine witnesses and compel their attendance and production of books and papers, and to do and perform all such other acts as may be necessary to the effective discharge of such duties.

Report to
board.

SECTION 13. That such officer shall have power to administer oaths, make arrest, and enter, for the purpose of examination, any building which, in his opinion, is in danger from fire; and he shall report his proceedings to the board at such times as may be required.

Board shall
control prop-
erty fire de-
partment.

SECTION 14. That immediately after the organization of such board of fire commissioners in any such city, the common council thereof shall turn over to said board all the property belonging to the fire department; and the officers and employes of said department, at the time said board shall assume control, shall hold their respective places, subject, however, to discharge or removal as hereinbefore provided.

Salaries of
officers.

SECTION 15. That the board shall, annully, recommend to the common council the salaries to be paid to the officers and members of the department, and the common council shall thereupon fix such salaries, but at no greater rate than thus recommended; and if a reduction is made by said common council in the salaries so recommended, the rate per cent. of reduction shall be uniform among and apply to all the officers and members of the department.

Exception.

SECTION 16. That the provisions of sub-division three (3), chapter two (2), division eight (8), title twelve (12), of the

Revised Statutes of the state of Ohio shall not apply to cities of the third grade of the first class, except as to matters concerning which no provision is made herein; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 776.]

AN ACT

To amend sections 4 and 5 of an act passed April 14, 1884 (81, 206).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4 and section 5 of an act passed April 14, 1884 (81, 206), be amended so as to read as follows:

Sec. 4. The board of managers shall have power to locate and construct said intermediate penitentiary and shall perform such other duties as shall be required of them by this act. In selecting a site for said intermediate penitentiary, the board are authorized to receive donations of money or lands for the use of the state to assist in defraying the cost of construction of said intermediate penitentiary; and they shall make such award of location as may, in their judgment, be determined, taking into consideration, always, the selection of a location which will best promote the health and reformation of convicts to be hereafter sentenced to said intermediate penitentiary. The board shall also prepare plans and specifications and advertise for and receive bids for the construction of said intermediate penitentiary, and shall have power to reject any or all bids. The necessary expenses of said board of managers in attending to their duties as such board, shall be paid out of any moneys in the treasury appropriated to said intermediate penitentiary, upon an itemized account thereof by said board being first submitted to the auditor of state and approved by him, who shall thereupon issue his warrant upon the treasurer of state for the same in favor of said board. This act shall operate and apply to the present board of managers from and after its passage.

Powers of board.

Site.

Expenses of board; how paid.

Sec. 5. Upon the completion of the buildings of said intermediate penitentiary, the board of managers shall appoint a warden, clerk, physician and such other officers as may be required, who shall each receive a salary to be hereinafter established by law, and they shall have power to remove any or all of them for cause. The clerk shall act as secretary of the board of managers.

Powers of board as to appointments.

SECTION 2. Said sections 4 and 5 are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 26, 1889.

[House Bill No. 476.]

AN ACT

To prevent the employment of outside labor in the Ohio penitentiary.

To prevent employment of free labor in the Ohio penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any contractor or subcontractor, now having contracts with, or who may hereafter contract with the state for prison labor, to be performed within the walls of the Ohio penitentiary, to employ any free laborers, except foremen, instructors and draymen to work upon said contracts.

Penalty.

SECTION 2. It shall be unlawful for any warden or officials of said prison, to issue a permit to any free laborer, except as provided for in section 1 of this act, to go upon the inside of said prison for the purposes mentioned in section 1 of this act; and any warden or official of said prison who violates the provisions of this act shall forfeit his office; the vacancy caused thereby to be filled as provided for in case of resignation.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[House Bill No. 550.]

AN ACT

Supplemental to chapter 3, division 8, title 12, of the Revised Statutes of Ohio.

Municipalities certain: provisions of Revised Statutes made applicable thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to chapter three, division eight, title twelve, of the Revised Statutes of Ohio, with sectional numbering as herein provided:

Sec. 2491a. That where any municipality has been or shall be authorized to purchase, construct or establish any natural gas works for supplying fuel, for public and private use and consumption, the provisions of chapter one, of division eight, of title twelve, of the Revised Statutes of the state of Ohio, respecting the general powers of such city or village as to taking lands, rights and easements for such purposes as to election of trustees, as to the compensation and duties of such trustees; their powers to make by-laws and regulations; their duties to make reports to the council, and to deposit moneys collected and the disposition of vouchers therefor; the mode of keeping and disbursing funds arising from rents; their authority to make contracts, and have general supervision and control of such works; the authority of the council of any such city or village to investigate all matters pertaining to the management of such works, and the removal of

any officer thereof; the furnishing of free fuel to public and charitable institutions within such municipality; the protection of pipes [and] attachments, the rules as to letting contracts and requiring bonds as to the performance thereof; the mode of laying pipes in streets and highways, so far as the provisions of such statute are applicable, shall govern all such municipalities, their officers and agents in all cases not otherwise provided for by statute.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[House Bill No. 920.]

AN ACT

Supplementary to section 4651 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 4651 of the Revised Statutes, with sectional numbering as herein provided:

Review;
amended re-
port.

Sec. 4651a. No report of viewers shall ever be set aside by the commissioners for any irregularity which does not materially affect the substantial rights of some interested party, and where a report is set aside for any such material irregularity the commissioners may appoint the same or other viewers, and the proceeding shall re-commence at the point provided for by section four thousand six hundred and forty-two, and proceed as before. Provided, that where it is practicable in the judgment of the commissioners, the viewers may be sent back at any time before their report is finally acted upon by the commissioners, to supply or amend any omission or irregularity in their work or report as originally reported, and the amended report shall when finished be re-delivered to the county auditor to be dealt with as in the case of an original report.

SECTION 2. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[House Bill No. 1014.]

AN ACT

To enlarge the duties of road supervisors in counties having at the last federal census a population not less than 26,267 and not more than 26,270.

Enlarging
duties of road
supervisors in
certain coun-
ties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all persons subject to perform labor on the public highways, within any county of the State of Ohio, having at the last federal census not less than 26,267, and not more than 26,270 population, whose lands lie on or bounded by any private road, opened for public use from one public thoroughfare to another, may, at the discretion of the road supervisor of the district, perform the two days' labor, or any part thereof, required to be performed on the public highways on such private roads and the supervisor shall give the proper receipts for the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[Senate Bill No. 405.]

AN ACT

To authorize the council of any incorporated village within this state which at the last federal census had, or at any subsequent federal census may have a population of not less than 1,205 nor more than 1,210, to issue bonds for the purpose of developing natural gas, petroleum and coal.

Authorizing
certain villages
to issue natu-
ral gas bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village within this state, which at the last federal census had, or at any subsequent federal census may have, a population of not less than 1,205 nor more than 1,210, is hereby authorized and empowered to issue bonds, not exceeding in amount the sum of two thousand dollars, for the purpose of developing natural gas, petroleum and coal either within or without the limits of such incorporated village. Said bonds shall be signed by the mayor of such village, and countersigned and registered by the clerk thereof, and may be issued in any denominations of not less than fifty dollars nor more than five hundred dollars, bearing interest at the rate of six per centum per annum, payable annually, running not to exceed five years from date of issue, and shall be payable in such amounts each year as the council of such village may determine; and said bonds shall not be sold for less than par.

Denomination.

Levy of tax.

SECTION 2. For the payment of the principal and interest of said bonds, as the same shall become due, the council of

such village is hereby authorized and required to levy a tax on all taxable property within the corporate limits of said village, in such amounts each year as will meet the principal and interest then falling due upon said bonds, which levy shall be placed on the tax duplicate by the county auditor, and collected as other taxes.

SECTION 3. Provided, that such bonds shall not be issued nor tax levied, until the question shall have been first submitted to a vote of the qualified electors of such village, at the spring election, on the first Monday of April, A. D. 1889, or at any special or general election, at least fifteen days' notice of which shall be given by publication in some newspaper published therein. At said election, all those who are in favor of issuing said bonds and levying said tax, shall have written or printed on their ballots the words, "Issue of bonds—Yes;" and those who are opposed to the issuing of said bonds and levying of said tax, shall have written or printed on their ballots the words, "Issue of bonds—No." No bonds shall be issued or tax levied under this act unless a majority of at least two-thirds of all the votes cast on said proposition at said election shall be in favor of such issue and levy.

Question of
issue must be
submitted to
vote.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 592.]

AN ACT

To amend section 6302 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6302 of the Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 6302. The probate court, upon satisfactory proof that any person resident of the county, or having a legal settlement in any township thereof, is an idiot, imbecile, or lunatic, shall appoint a guardian for such person, which guardian shall, by virtue of such appointment, be the guardian of the minor children of his ward, unless the court shall appoint some other person as their guardian; an imbecile shall in this chapter be understood to mean a person who, not born idiotic, has become so; provided, that no such guardian be appointed until at least three days' notice to the persons next of kin resident of the county of such person is given to attend at the same time and place, which notice shall be served by delivering to each person named therein a copy thereof, or by leaving such copy at his usual place of residence.

Guardian for
idiot, imbecile
and lunatic.

SECTION 2. That section 6302 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 721.]

AN ACT

To amend section 1 of an act entitled "an act for the preservation of the health of female employes employed in manufacturing, mechanical and mercantile establishments," passed April 16, 1885 (vol. 82, O. L.).

Preservation of
 health of fe-
 male employes
 in certain es-
 tablishments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "an act for the preservation of the health of female employes employed in manufacturing, mechanical and mercantile establishments," passed April 16, 1885, be so amended as to read as follows:

Sec. 1. That every person or corporation employing female employes in any manufacturing, mechanical or mercantile establishment in this state, shall provide suitable seats for the use of the female employes so employed, and shall permit the use of such by them when they are not necessarily engaged in the active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employes.

SECTION 2. Said original section as passed April 16, 1885, be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 745.]

AN ACT

To amend sections 2478 and 2491, as amended March 4, 1887, of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2478 and 2491, as amended March 4, 1887, are so amended as to read as follows:

Sec. 2478. The council of any city or village in which electric lighting companies, natural or artificial gas companies, or gas light or coke companies may be established, or into which their wires, mains or pipes may be conducted, are hereby empowered to regulate, from time to time, the price which said electric lighting, natural or artificial gas, or gas and coke companies may charge for electric light or for gas for lighting or fuel purposes, furnished by such companies to the citizens, public grounds and buildings, streets, lanes, alleys, avenues, wharves and landing places; and such electric lighting, natural or artificial gas, or gas-light and coke companies shall, in no event, charge more for any electric light, or natural or artificial gas furnished to such corporation or individuals than the price specified by ordinance of such council; and such council shall also have power to regulate and fix the price which such companies shall charge for rent of their meters.

Regulating price of electric light, artificial and natural gas.

Sec. 2491. A municipal corporation may contract with such company for supplying, with electric light, natural or artificial gas for the purpose of lighting [or heating] the streets, squares and other public places and buildings in the corporation limits; but this section shall be subject to the restrictions in the last clause of section thirty-five hundred and fifty-one.

Contract to supply municipality with electric light or gas.

SECTION 2. That sections 2478 and 2491, as amended March 4, 1887, are repealed.

SECTION 3. This act shall take effect and be in force on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 846.]

AN ACT

To provide for annual leave of officers and members of fire departments in certain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That officers and members of all regularly established fire departments in any city of the third and fourth grades of the second class, and in any city of the first grade of second class in the State of Ohio, when authorized by the council by resolution or ordinance, shall have leave of absence twelve days in each year, without loss of pay.

Leave of absence of members of fire department in certain cities.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 988.]

AN ACT

To amend section 4488 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4488 of the Revised Statutes of Ohio be amended so as to read as follows:

Application
when proposed
ditch in more
than one
county.

Sec. 4488. When a ditch or improvement is proposed, which will require a location in more than one county, application shall be made to the commissioners of each of said counties, and the surveyor or engineer shall make a report for each county; application for damages shall be made, and appeals from the finding of the commissioners, in joint session, locating and establishing such ditch, and from the assessment of damages or compensation, shall be taken to the probate court of the county in which the greatest length of such ditch or improvement is located; and a majority of the commissioners of each county, when in joint session, shall be competent to locate and establish such ditch or improvement; but no commissioner shall serve in any case in which he is personally interested; and any two commissioners may form a quorum for the transaction of business under this chapter, of their respective counties; provided, further, that when any two or more commissioners of any county are personally interested in any improvement upon which, or in the location and establishment of which, they are called upon to act, the auditor, probate judge and recorder of said county shall appoint a suitable person to act in the place of each commissioner so interested, and their acts shall have the same force and effect in such cases as though they were commissioners of said county for which they are appointed to act, and the persons so appointed shall receive the same compensation as the county commissioners for like services.

SECTION 2. Section 4488 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1195.]

AN ACT

To supplement an act entitled "an act to authorize certain cities to borrow money and issue bonds therefor, for the purpose of buying or leasing lands, sinking wells for natural gas, purchasing and laying pipes, and supplying such cities and the citizens thereof with natural gas for public and private use and consumption," passed January 31, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following shall be supplementary to the act referred to in the title to this act, with sectional numbering as follows:

Sec. 1a. That to secure the objects and ends contemplated by the act to which this is supplementary, such city is authorized and empowered to purchase or lease the necessary gas lands outside of the incorporate limits of such city; and in like manner said city may purchase or sink natural gas wells, lay down and own a gas-pipe line or lines, and own the rights of way therefor outside of or beyond said incorporate limits.

Authorizing
the purchase
of gas lands
outside cor-
porate limits.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1216.]

AN ACT

To amend section 1587 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1587 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1587. If any such municipal corporation is in more than one county, then such resolution shall be ordered certified to the recorder of each of such counties, and the recorder or recorders, on the receipt of such certified resolution, shall at once duly record the same in the proper book of records in his office and preserve the original therein, and the recorder or recorders, shall forthwith make a certified transcript of such record and forward the same to the secretary of state, and thereupon the corporation shall be a city of the first or second class, as the case may be, to be organized and governed under the provisions of this title; and when the corporation is actually organized by the election and qualification of its officers, notice of its existence shall be taken in all judicial proceedings. And the provisions of this section shall be applicable to and govern proceedings heretofore commenced under this chapter.

Record.

Copy.

Judicial
notice.

SECTION 2. That original section 1587 of the Revised Statutes of Ohio, be and the same is hereby repealed; and this act shall take effect upon its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 879.]

AN ACT

To amend sections 1271 and 1297 of the Revised Statutes of Ohio, as amended January 15, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1271 and 1297 of the Revised Statutes of Ohio, as amended January 15, 1889, be amended so as to read as follows:

Assistant
prosecuting
attorneys in
Hamilton,
Cuyahoga,
Franklin and
Lucas counties.

Sec. 1271. In Hamilton county the presiding judge of the court of common pleas, the presiding judge of the superior court of Cincinnati, and the probate judge, may appoint a first assistant and second assistant prosecuting attorney. In Cuyahoga county the judges of the court of common pleas may appoint two assistant prosecuting attorneys, who shall also be assistant court solicitors. And said judges may, from time to time, appoint such special assistants to aid the prosecuting attorney, as in their opinion the public business may require, who shall be paid out of the treasury of the county, on the warrant of the county auditor, such sum as the court may approve and order. And in Franklin county the judges of the court of common pleas residing therein, may appoint an assistant prosecuting attorney. And in Lucas county a majority of the judges of the court of common pleas residing therein may appoint an assistant prosecuting attorney. Such assistant prosecuting attorney shall be appointed as aforesaid only upon the nomination of the prosecuting attorney of such counties respectively and shall receive such salary as shall be fixed by the judges appointing them, not exceeding in Hamilton county twenty-five hundred dollars to the first assistant, or eighteen hundred dollars to the second assistant, and not exceeding in Cuyahoga county twenty-five hundred dollars nor less than two thousand dollars per year; and not exceeding in the counties of Franklin and Lucas, twelve hundred dollars per year. Such salary shall be paid out of the treasury of the county on the warrant of the auditor. The term of appointment for assistant prosecuting attorney shall be for one year from and after the day of appointment, and when there is a vacancy, the appointing judge or judges may renew the appointment.

Salary.

T. m.

Salary pro-
secuting attor-
neys.

Sec. 1297. The prosecuting attorney shall receive an annual salary not exceeding the sums herein named, to be fixed by the commissioners of the county, to-wit: In Hamilton county thirty-five hundred dollars. In each of the coun-

ties of Cuyahoga, Lucas and Franklin, two thousand dollars. In Montgomery county, fifteen hundred dollars; in each county containing less than twenty thousand inhabitants by the last federal census, four hundred dollars; and in each other county two dollars for each one hundred inhabitants such county contained at the next preceding federal census, to be paid at such times and in such installments as the county commissioners direct.

SECTION 2. Said sections 1271 and 1297, as amended January 15, 1889, are hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 8, 1889.

[Senate Bill No. 95.]

AN ACT

Supplementary to the act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the railway, appointed under the provisions of the act to which this act is supplementary, be, and they are hereby authorized, with the approval of a majority of the board of trustees of the sinking fund of the city owning said railway, to agree with the lessees of said railway to extend the time granted in the lease thereof for such length of time, upon such terms and conditions as shall be fixed and provided by the trustees of said railway and the trustees of the sinking fund of said city; provided, however, that the rental, after the expiration of the present lease, shall not be less than \$1,250,000 per annum; and provided further, that the said extension of lease shall be made within three years from the passage of this act.

Authorizing
trustees to ex-
tend lease of
railway in cer-
tain cities.

SECTION 2. Said trustees of the sinking fund are hereby authorized by a proper indorsement or stamping on the bonds and coupons thereof, issued under the act to which this is supplementary, to agree to extend the time of payment of said bonds for a period not to exceed forty years from the maturity thereof, upon the holders of such portions of said bonds, as said trustees may agree with, agreeing to reduce the interest thereon to such rate as said trustees shall fix, not exceeding four per cent. per annum; and said trustees are hereby further authorized to cause to be engraved, printed and attached to said bonds such additional coupons, as may be necessary to evidence the interest to be paid for the extended time of

Bonds.

payment of said bonds, and they are hereby clothed with the said powers, so far as applicable, as they may have in refunding the bonded debt of said city.

SECTION 3. That this act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 397.]

AN ACT

To authorize and empower the trustees of townships having a population, at the last federal census, of not more than 2,116, nor less than 2,112, to levy a road tax.

Authorizing
trustees of cer-
tain townships
to levy a road
tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of townships having a population, at the last federal census, of not more than 2,116, nor less than 2,112, be and are hereby authorized and empowered, in addition to the two days' labor, to determine a per centum, to be levied for road purposes, upon each dollar of valuation of the taxable property of their respective townships, exclusive of any incorporated village, as follows: In townships having a valuation of taxable property of one million dollars and over, not exceeding two mills on each dollar; in townships having a valuation of less than one million, and more than five hundred thousand dollars, any rate not exceeding three mills on each dollar; and in townships having less than five hundred thousand dollars valuation, any rate not exceeding four mills on each dollar; and said trustees shall certify the same to the county auditor, in writing, on or before the 15th of May of each year; and the county auditor shall assess the same on all the taxable property in said township, exclusive of any incorporated village, and the same shall be collected, one-half in the December installment, and one-half in the June installment, by the county treasurer, and paid over by him to the treasurer of the township from which said taxes were collected, the same to be expended for the improvement of roads in the township where collected; but nothing in this act shall prevent the working out of all or a part of this tax, by any person so assessed, who desires so to do. The amount of work so performed shall be certified to by the road supervisor, and such receipt shall be received by the county treasurer in part payment of the December tax.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 461.]

AN ACT

Making appropriations for the erection of a chemical lab[o]ratory building for the Ohio State University, to replace the one recently destroyed by fire, and for the erection and equipment of a building for instruction in electrical engineering.

WHEREAS, The chemical lab[o]ratory building of the Ohio State University has been destroyed by fire, whereby the departments of general chemistry, agricultural chemistry, mining and metallurgy, and veterinary science, have been deprived of lecture rooms, lab[o]ratory accommodations, equipments, books and supplies; therefore,

Appropriation
for Ohio State
University.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of erecting a chemical lab[o]ratory building to replace the one recently destroyed by fire, for heating, lighting and plumbing, there be and is hereby appropriated the sum of forty thousand dollars (\$40,000); and for the erection and equipment of a building for instruction in electrical engineering, ten thousand dollars (\$10,000).

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[House Bill No. 1167.]

AN ACT

Supplementary to section 3702 of the Revised Statutes, as amended March 21, 1887 (O. L. v. 84, p. 230), providing for the purchase of fair grounds by the county commissioners in counties containing a city of the second grade of the first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section shall be supplementary to section 3702 as amended, and shall be known and numbered as section 3702a.

Sec. 3702a. When a county society in a county containing a city of second grade of the first class has purchased or leased for a term of not less than twenty years, real estate as a site whereon to hold fairs, or when the title to the grounds is vested in fee in the county, but the society has the control and management of the lands and buildings the county commissioners may if they think it for the interests of the county and society, pay out of the county treasury the same amount of money for the purchase or lease and improvement of such site or either of them as is paid by such agricultural society or individuals for such purpose or either of them, and such commissioners may

Commissioners
in certain
counties may
assist agricul-
tural societies
in purchasing,
leasing or im-
proving sites
for fairs.

levy a tax upon all the taxable property of the county sufficient to meet the provisions of this section.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 372.]

AN ACT

To require the county commissioners in any county having a population at the census of 1880 of 43,788, and containing a city of the second class, third grade, to provide a depository for the county funds, and for other purposes.

Providing a
depository in
certain coun-
ties for the
public money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in each county having a population of 43,788 at the census of 1880, containing a city of the second class, third grade, it shall be the duty of the county commissioners to designate, in the manner hereinafter provided, a bank situated in the county, and duly incorporated under the laws of this state or of the United States, as a depository of the money of the county.

Advertisement
for proposals
from banks for
the use of
public money.

SECTION 2. The county commissioners shall, on the taking effect of this act, and thereafter biennially, publish, in two newspapers published and of general circulation in the county, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest and not less than two per centum, that will be paid for the use of the money of the county as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case the proposal be accepted.

Opening of
proposals;
award, rejec-
tion and re-
advertising.

SECTION 3. On the Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may reject all proposals and advertise for others in the same manner aforesaid.

Undertaking
required of
depository

SECTION 4. No such award shall be binding on any such county, nor shall any of the money of the county be deposited thereunder, until the hypothecation of the bonds provided for in section seven, or until there is executed by the bank selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the

name of the county commissioners for the use of the county, in such sum as the commissioners may direct, which, in counties within the provisions of this act and containing a city of the third grade of the second class, shall not be less than three hundred thousand dollars, and such undertaking shall be signed by not less than six resident freeholders as sureties, who are not stockholders in the bank, to the satisfaction of the commissioners, and conditioned for the receipt, safe-keeping, and payment over, as provided herein, of all money which may come into its custody under and by virtue of this act, and under and by virtue of its proposal and the award of the commissioners, together with the interest thereon at the rate specified in the proposals; and the undertaking shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of the money of the county.

SECTION 5. Such undertaking shall not be accepted by the commissioners until it has been submitted to the prosecuting attorney, and certified by him to be in due and legal form and conformable to the provisions of this act, which certificate shall be indorsed thereon by the prosecuting attorney and if any bank to which an award is made as aforesaid fail to execute an undertaking as required hereby to the acceptance of the commissioners, or fail to hypothecate the bonds as provided in section seven, within three days from the time the award is made, the commissioners may award the use of the money to any other bank whose written proposal offers the same rate of interest therefor as designated in the proposal of such defaulting bank, but if the written proposal of no other bank offers the same rate of interest they may award such use to any bank whose written proposal offers the next highest rate of interest therefor, the undertaking or hypothecation of bonds required to be executed in either case; or the commissioners may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid.

Same to be approved by prosecuting attorney.

New award; when to be made.

SECTION 6. The bank to which an award is made shall, upon the acceptance by the commissioners of the undertaking provided for herein, become the depositary of the money of the county, and remain such until the undertaking of its successor is accepted by the commissioners; but the commissioners may, at any time they deem the same necessary, require additional security from the bank, in such sum as they shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom forthwith, and may designate some other bank to be the depositary thereof temporarily, at such rate of interest, or without interest, as they may determine. Such removal, and all other removals under the provisions of this act, shall be made upon the written order of the commissioners; and the county auditor shall, upon the receipt of such order, issue his warrant, and the county treasurer his check, for the removal. If the money, in case of such removal, be deposited in a bank designated as a depositary temporarily, such bank shall, before he receipt by it of any such money, enter into an undertak-

When bank becomes depositary.

Removal of money.

Temporary depositary.

ing or hypothecation of the bonds as required by this act; but if no bank be so designated, the money shall be disposed of as provided in section eight.

Bonds may be accepted in lieu of undertaking.

SECTION 7. The commissioners of any such county may, in lieu of the undertaking provided for by preceding sections, accept as security for money deposited as aforesaid interest-bearing bonds of the county, or the city in which the depository is located, or bonds of the United States, the face value of which shall not be less than the sum specified in section four as the amount to be named in the undertaking in lieu of which such bonds are accepted; or they may accept such bonds as partial security, to the extent of their face value, for the money so deposited, and require an undertaking for the remainder of the full amount specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bond shall be the property of the county in case of any default on the part of the bank in its capacity as depository as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provision for the safe-keeping of such hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

Custody of moneys when depository can not be secured.

SECTION 8. If at any time, for any cause, the commissioners be unable to secure a depository as provided by preceding sections, the money of the county shall remain in the custody of the county treasurer, if in his custody at the time, and if in a depository, and its removal be ordered, it shall be removed to the county treasury, in the manner provided in section six for the removals, and in either case the treasurer shall be the custodian thereof until such time as a depository is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the auditor, which in such case shall not be in duplicate; and during such time he shall keep such books, and make to the auditor such statements of receipts and payments, as are required in case the money of the county is in the custody of a depository designated by the commissioners, except that they shall show that such money is in the custody of the treasurer instead of such depository.

Disbursements by treasurer.

Deposits by treasurer.

SECTION 9. The treasurer shall, upon the receipt of a written notice from the commissioners stating that a depository has been selected in pursuance of the provisions of this act, and naming the bank selected as such depository, deposit, to the credit of the county, all money in his possession, except as provided in section fourteen, in the bank constituted the depository as aforesaid, and thereafter he shall, before noon of each business day, deposit in such depository all money received by him the preceding business day, except as provided in section fourteen, and the commissioners may designate the hour of closing a business day, making a record

thereof, and the treasurer shall observe the same and such money shall be payable only on the check of the treasurer, which check shall not be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the county auditor authorizing the payment of the sum for which the check is drawn. All warrants issued by the auditor upon the treasurer for the payment of money (except as provided in section fourteen, and also when the money of the county is in the custody of the treasurer), shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," which shall be filed and kept by the treasurer in his office, and the other of which shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of the treasurer. The auditor shall issue no warrant payable from any fund unless there is money belonging thereto for the payment thereof in full, notwithstanding the provisions of section eleven hundred and eight of the Revised Statutes; but when any fund is exhausted, and the commissioners are satisfied that, of the undivided money on hand received on account of taxes, the portion thereof that will belong to such fund upon the next semi-annual distribution of such money is in amount such that a part of it way judiciously be assigned to such exhausted fund in advance of such distribution, they may make an order and the same shall be made a matter of record in the proceedings of the board of commissioners, directing such assignment, and the auditor shall notify the treasurer thereof in writing. All money deposited with the depository shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county on the first day of March and the first day of September each year, or at any time when the account may be closed. The depository shall notify the auditor, in writing, before noon of each business day, of the amount of deposits made by the treasurer for the preceding business day, and when the interest is credited to the county the depository shall notify the auditor and treasurer, in writing, of the amount thereof, before noon of the next business day, and all such interest shall be credited to the general fund of the county.

Treasurer's
checks; au-
ditor's war-
rants, etc.

Funds not to
be overdrawn.

Taxes may be
credited to
funds in ad-
vance of dis-
tribution.

Interest on
deposits.

SECTION 10. Each business day the treasurer shall make to the auditor a sworn statement, showing for the preceding business day the total amount of money received by him, the total amount deposited in the depository, the total amount paid by check on the depository, the total amount paid out in cash, the balance in the depository, and the balance in the treasury; and he shall keep such accounts, in books to be provided for that purpose, as shall enable him to make such statements. All money paid to the treasurer, except for taxes and except also money received from the state treasury, shall be upon the order of the auditor, and the treasurer shall give receipts therefor, each of which shall be made and signed in duplicate, one of which shall have printed across its face the word "original," and the other the word "duplicate," and each dupli-

Sworn state-
ment by treas-
urer.

cate shall be filed with the auditor on the day of its date; and each such receipt shall show the amount received, from whom received, and on what account, and shall state the fund to which the money is to be applied; provided, that in case of money received by the treasurer from the state treasury the triplicate warrant required by section ten hundred and eighty-five of the Revised Statutes to be transmitted to the auditor by the auditor of state shall take the place of the duplicate receipt above provided for, and the treasurer shall not give receipts for taxes in duplicate, but in lieu thereof shall, at the close of each business day, file with the auditor a statement of the amount of money received by him for taxes and penalties during the day.

Auditors
accounts; how
kept.

SECTION 11. The auditor shall keep in his office books in which shall be entered the daily receipt of the treasurer's office, as shown by the duplicate receipts returned to him by the treasurer, and by the statements of money received for taxes and the triplicate warrants mentioned in the preceding section, the amount of the deposits made by the treasurer each day in the depository, as shown by the daily statements of the depository to the auditor, and the amount remaining in the treasurer's hands in pursuance of section fourteen, or when the treasurer is custodian of all the money, as shown by the treasurer's daily statements received by him; and in such books the money received by the treasurer from taxes of all kinds shall be shown in an account entitled the "undivided tax account," and all other receipts by him shall be shown in accounts indicating the respective funds to which the money belongs. He shall enter in such books also the amount of warrants issued by him each day to the treasurer; and the accounts in such books shall be so kept as to show the balance of each fund, the balance of undivided money received for taxes, and the balance of the money received from the state treasury, and on account of school lands, each day, in his hands and in the hands of the depository respectively.

Auditor shall
certify to state-
ment of treas-
urer

SECTION 12. Upon the receipt each day by the auditor of the sworn statement provided for in section ten, he shall certify thereon to its correctness, if, upon comparison with his books, it be found to be correct, and shall file such statement in his office; but if any such statement be found by the auditor at any time to be incorrect he shall forthwith give notice thereof to the treasurer, and unless the discrepancy be immediately discovered and corrected, he shall notify the commissioners thereof without delay.

Draft auditor
state

SECTION 13. Except as provided in sections eight and fourteen, the treasurer shall not pay out any money otherwise than by check on the depository, as provided in section nine. But before he issues a check in payment of any draft made upon him by the auditor of state in favor of the treasurer of state, he shall exhibit such draft to the county auditor, and file with him a certified copy thereof, and the auditor shall thereupon issue his warrant authorizing the treasurer to issue his check for the amount specified in the draft; and before he remits to the treasurer of state any money on account of school lands he shall notify the auditor in writing

of his readiness to do so, and of the amount, and the auditor shall file such notice, and issue his warrant authorizing the treasurer to draw his check upon the depository for the amount; but if the money for such payments be in the custody of the treasurer instead of a depository, the same proceedings shall be had, except that the warrants of the auditor shall authorize the payments otherwise than by such checks.

SECTION 14. The treasurer shall pay in cash warrants issued by the auditor for the payment of fees of jurors and witnesses, and also warrants so issued payable from the soldiers' relief fund, and he may retain in his hands from day to day a sufficient amount of the receipts of his office to enable him to do so, but the balance of money so withheld from deposit shall at no time be in excess of five thousand dollars; and warrants issued for the purposes aforesaid shall not be in duplicate; but if at any time the money so retained by the treasurer is entirely paid out, and the current receipts of his office are insufficient to pay such warrants, the auditor, if so authorized by the commissioners, shall issue his warrant to the treasurer authorizing him to draw his check upon the depository for the amount specified therein, which shall not be in excess of five thousand dollars, to pay such warrants.

Certain fees to be paid in cash.

SECTION 15. On the first business day of each month the auditor shall prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each, and the balance remaining to the credit of each, and also to the balance of money in the depository, the balance in the treasury in pursuance of section fourteen, and, if the money of the county be in the custody of the treasurer instead of a depository, the total balance thereof in the treasury, as shown by the reports filed with him, and the commissioners shall place such statement on file, and forthwith post a duly certified copy thereof in the auditor's office, to remain so posted at least thirty days for the inspection of the public. On the day aforesaid, some officer of the bank acting as the county depository, shall file with the county commissioners all checks of the county paid and redeemed by the bank during the previous month; and the commissioners shall compare such checks with the records of the auditor's office, and if they find the same to correspond therewith, they shall give the bank a receipt for the same, and shall forthwith cancel and file such checks in the office of the county auditor, who shall receipt to the county treasurer for the same, as is provided in section one thousand one hundred and eleven of the Revised Statutes.

Monthly statement by auditor.

Depository to make monthly settlement with commissioners.

SECTION 16. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of treasurers of counties covered by its provisions, except that they shall not be held liable for any loss of money deposited by them in depositories as provided for herein while such money is in the custody of such depositories.

Liability of treasurer.

Neglect of
duty; how
punished.

SECTION 17. An officer of any such county who willfully violates any provisions of this act, or willfully neglects or refuses to perform any duty thereby imposed upon him, shall upon conviction thereof in the court of common pleas, be fined in any sum not exceeding ten thousand dollars, for the use of the county, or be imprisoned in the penitentiary not more than ten years nor less than one year, or both, at the discretion of the court.

Provisions
statutes super-
seded.

SECTION 18. Any provision of the statutes of this state in force when this act takes effect, which conflicts with any provision of this act, shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise, in counties to which this act relates.

SECTION 19. This act shall take effect on the first day of September, one thousand eight hundred and eighty-nine.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 11, 1889.

[Senate Bill No. 464.]

AN ACT

Making appropriations for the contingent fund and expenses of the senate.

Appropriations for contingent expenses of the senate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of two thousand dollars (\$2,000) for the contingent expenses of the senate.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 11, 1889.

[Senate Bill No. 484.]

AN ACT

To prevent the making of deficiencies in the public institutions and departments of the state of Ohio.

To prevent deficiencies in institutions and departments of the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for the trustees, managers, directors or superintendent of any of the public institutions of the

state of Ohio, or for the officers of any of the departments of the state of Ohio, to create a deficiency, incur a liability, or to expend a greater sum of money than is appropriated by the general assembly for the use of said public institution or department.

SECTION 2. Any officer enumerated in section one of this act, being found guilty of creating a deficiency, incurring a liability, or expending a greater sum than is appropriated by the general assembly for any public institution or department of this state in any one year, shall be held individually liable for the same, and shall be fined in any sum not exceeding one thousand dollars for the first offense, and two thousand dollars for every subsequent offense. Penalty.

SECTION 3. In case of an emergency requiring the expenditure of a greater sum than the amount appropriated by the general assembly for such institution or department in any one year, or for the expending of money not specifically provided for by law, the said officers may, on the written advice and consent of the governor, auditor of state, and attorney-general, incur such liability as circumstances may require. Emergency.

SECTION 4. That this act shall take effect on its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed March 11, 1889.

[House Bill No. 906.]

AN ACT

To amend section 7287 of the Revised Statutes, so as to limit the number of witnesses that may be subpoenaed in the criminal cases at public expense, to testify upon the question of character or reputation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7287 be so amended as to read as follows:

Sec. 7287. In all criminal cases the clerk, upon a precept being filed, shall issue writs of subpoena for all witnesses named therein, directed to the sheriff of his county, or of any county where the witnesses reside or are found, which shall be served and returned as in other cases; and the sheriff, by writing indorsed on the writs, may depute any disinterested person to serve, and return the same; provided, that the number of witnesses, who are expected to testify upon the subject of character or reputation, for which subpoenas may be issued, shall be designated upon the precept, and shall not exceed ten on each side, unless a deposit shall first be made with the clerk of at least one per diem and mileage fee for each additional witness, except in the case of murder in the first or second degree, manslaughter, rape, assault with intent to commit rape, or selling intoxicating liquors to a person in the

Subpoena for witnesses to issue to any county.

Limit in certain cases.

habit of becoming intoxicated. No witness in addition to the number of ten upon each side shall be permitted to testify upon the question of character or reputation, in any criminal case with the exceptions aforesaid, unless his full per diem and mileage fee has been deposited as aforesaid, or paid by the party in whose behalf he is sworn, and the clerk shall not issue a certificate for compensation to be paid out of the county treasury to any witness in addition to the number of ten, who has testified upon the subject of character or reputation, except as aforesaid.

SECTION 2. Original section 7287 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first day of May, A. D. 1889.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 11, 1889.

[House Bill No. 1024.]

AN ACT

To amend sections 5269 and 481 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 5269 and 481 of the Revised Statutes of Ohio be, and they are hereby amended so as to read as follows:

Officers authorized to take depositions.

Sec. 5269. Depositions may be taken in this state before a judge or the clerk of the supreme court, a judge or clerk of the circuit court, a judge or clerk of the common pleas court, a probate judge, justice of the peace, notary public, mayor, master commissioner, official stenographer of any court in this state, or any person empowered by a special commission; but depositions taken in this state, to be used therein, must be taken by an officer or person whose authority is derived within the state, and, if to be used out of the state, they may be taken before a commissioner or officer who derives his authority from the state, district, or territory in which they are to be used.

Stenographers, office where to be located; powers of.

Sec. 481. Stenographers appointed under the provisions of this chapter, shall have their office in the court house of the county where they are appointed, and shall have power to take and certify depositions in any of the courts in this state, and may be appointed referees to take and report proof in causes pending in any of the courts in this state, and in the taking of depositions and proof, as such referees, they shall have power to swear witnesses, and such stenographers shall also have power to employ such number of assistant stenographers, as the necessities of their office require.

SECTION 2. That said original sections 5269 and 481 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 11, 1889.

[House Bill No. 1186.]

AN ACT

To supplement sections one (1) and four (4) of "an act for the establishment and maintenance of public libraries in certain cities of the first class," as amended April 12, 1888. (Vol. 85, O. L. pp. 209 to 212.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one (1) and four (4) of "an act for the establishment and maintenance of public libraries in certain cities of the first class," as amended April 12, 1888, be supplemented by sections with sectional numbering as follows:

Sec. 1a. Whenever such levy of four-tenths of one mill on the dollar will produce a revenue in excess of fifteen thousand dollars (\$15,000.00), such levy shall be reduced and so that the amount of revenue for said library fund in any such city shall not in any one year exceed said sum of fifteen thousand dollars; but said levy shall not be so reduced as to produce a revenue to said library fund of less than thirteen thousand dollars (\$13,000.00) in any one year.

When levy to be reduced.

Sec. 4a. For the purpose of enabling said board of trustees to construct said building or buildings so as to make it or them fire-proof, and thereby insure protection to the large and valuable library to be kept therein, and to pay the increased cost of such construction, and complete said building or buildings, and provide necessary furniture for same, and to pay for grading the library grounds and constructing walks, said board of trustees is hereby authorized to issue and sell additional bonds to an amount not in excess of thirty-five thousand dollars (\$35,000.00); said additional bonds shall bear interest, be issued, sold, the proceeds deposited, drawn, used, and the interest and principal paid, as provided, and subject in all respects to all the conditions named in said original section 4, for the bonds therein authorized, except as follows: the bonds hereby authorized, shall mature, three thousand dollars (\$3,000.00) July 1, 1890; five thousand dollars (\$5,000.00) July 1, 1906; and five thousand dollars (\$5,000.00) July 1, of each succeeding year until July 1, 1911, when seven thousand dollars (\$7,000.00) shall mature, but if it be found unnecessary to issue all of said bonds, those not issued shall be those last to mature as aforesaid; and the rate of interest shall not ex-

Additional bonds authorized to be issued for certain purposes.

ceed four per cent. on those bonds to mature July 1, 1906 and thereafter; and said board shall annually appropriate and set apart such additional sum as may be necessary to pay said bonds and the interest thereon as the same mature.

SECTION 2. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 12, 1889.

[Senate Bill No. 371.]

AN ACT

To create a depositary commission in all cities having a population of 16,512 at the census of 1880, and to establish a depositary for the funds and to provide for a treasurer of the school funds of such cities, and for other purposes.

Creating a
depositary
commission in
certain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the money belonging to each city having a population of 16,512 at the census of 1880, shall be deposited, by the treasurer of the city, as hereinafter provided, in a bank situated within the boundaries of the city and duly incorporated under the laws of this state or of the United States, to be designated, in the manner hereinafter provided, as the depositary for such money, by a commission composed of the mayor, president of the board of education and the president of the council, and their successors in office, and to be known as the depositary commission.

Books and
stationery for
commission.

SECTION 2. The officers designated in the preceding section as constituting such depositary commission shall serve as members thereof, and without compensation; but the commission shall be provided with necessary books and stationery, at the expense of the city; and the mayor shall be president, and the president of the council shall be secretary of the commission. The commission shall hold meetings on the first business day of each month, and whenever called to meet by the president for a special purpose, at the council chamber of the city, and shall keep a record of its proceedings; and file all official papers received by it, which record and papers shall be open to public inspection; and a transcript of any entry in such record, or a copy of any such paper, duly certified as such by the president and secretary, shall be received as evidence in any of the courts in this state.

Meetings.

Records.

Advertising for
proposals from
banks to act as
depositaries.

SECTION 3. That upon the taking effect of this act, and thereafter biennially, such commission shall publish, in two newspapers printed and of general circulation in the city and district, for two consecutive weeks, a notice which shall invite

sealed proposals from all banks coming within the provisions of section one, which proposals shall stipulate the rate of interest and it shall not be less than two per centum they will pay respectively for the use of the money aforesaid; and such proposal shall contain the names of the sureties who will be offered upon the undertakings of the bank filing the same in case its proposal be accepted.

SECTION 4. On the Monday following the last publication of such notice, at the hour of twelve o'clock, noon, the commission shall, in open session, open such sealed proposals, and shall award the use of such money to the bank offering the highest rate of interest therefor; but if two or more banks offer the same highest rate of interest therefor, the use of the money may be awarded to either of them, or the commission may reject all proposals and advertise for others in the manner aforesaid; or if the commission have reason to believe there is collusion between the banks as to the rate of interest to be paid for the funds thus advertised to be placed in a city depositary, or if there be no bids, the commission may advertise from time to time until satisfactory bids are received.

Opening of proposals; award; rejection, re-advertising.

SECTION 5. No such award shall be binding until there is executed by the bank and accepted by the commission, a good and sufficient undertaking, payable to the city, in a sum not less than three hundred thousand dollars, to be recovered in the name of the depositary commission, for the use of the city. Such undertaking shall be signed by six resident freeholders of the city as sureties, who are not stockholders in the bank, to the satisfaction of the commission, and conditioned for the receipt, safe-keeping and payment over, as provided herein, of all money which may come into the custody of the bank under and by virtue of this act, and under and by virtue of its proposal and the award of the commission, together with the interest thereon at the rate specified in the proposal; and it shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depositary of such money.

Undertaking required of depositary.

SECTION 6. The undertaking provided for above shall not be accepted by the commission until it has been submitted to the city solicitor and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be indorsed on the undertaking by the city solicitor and if the bank to which an award is made as aforesaid fails to execute the undertaking required hereby, to the acceptance of the commission, within three days after the award is made, the commission may award the use of the money to any other bank the written proposal of which offers the same rate of interest therefor as is designated in the proposal of such defaulting bank; but if the proposal of no other bank offers the same rate of interest as aforesaid, the commission may award the use of the money to any bank the written proposal of which offers the next highest rate of interest therefor; but not a less rate than is provided for in sec. 3, of this act, or the commission may, in case of default as afore-

Same to be approved by the city solicitor.

said, reject any or all bids, and advertise for others in the manner aforesaid; and in case of an award after such default the bank to which the award is made shall execute an undertaking as aforesaid, to the acceptance of the commission.

When bank
becomes such
depository.

SECTION 7. The bank to which an award is made shall, upon the acceptance of such undertaking by the commission, become the depository of the money aforesaid until the undertaking of its successor is accepted by the commission; but the commission may require additional security from the bank, at any time it deems the same necessary, in such sum as it shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, the removal of the money therefrom forthwith may be ordered by the commission, and another bank designated to be the depository thereof temporarily, at such rate of interest, or without interest, as the commission may determine. The order for such removal, or for any removal under the provisions of this act, shall be entered in the record of proceedings of the commission; and a copy thereof, duly certified as such by the president and secretary of the commission, shall be transmitted to the city council, and a like copy to the board of education of the school district, and thereupon the city clerk shall issue his warrant for the withdrawal of the money of the city from the depository, and thereupon the city treasurer, as such, and as treasurer of the school funds, shall issue checks accordingly for the removal. If the money, in case of such removal, be deposited in a bank designated as a depository temporarily, such bank shall, before the receipt by it of any of the money, enter into an undertaking as required by preceding sections; but if no bank be so designated the money shall be disposed of as provided in section nine.

Hypothecation
of bonds in
lieu of under-
taking.

SECTION 8. The commissioners may, in lieu of the undertaking provided for by preceding sections, accept as security, for money deposited as aforesaid, interest-bearing bonds of the city or school district, or of the county within which the depository is located, or United States bonds, the face value of which shall not be less than the sum specified in section five as the amount to be named in the undertaking in lieu of which such bonds are accepted; or the commission may accept such bonds in lieu of such undertaking in full and of the other in part; and in case of such acceptance as partial security the commission shall require an undertaking for the remainder of the full amount of the security specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by endorsement of the fact and purpose on the back of each, which indorsement shall stipulate that the bond shall be the property of the city or of the school district, as the case requires, in the event of any default on the part of the bank in its capacity as depository as aforesaid, and that its negotiation or release by the commission shall require the signature of each member thereof. The commission shall make ample provision for the safe-

keeping of such bond or hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

SECTION 9. If at any time, for any cause, the commission be unable to secure a depository as provided by preceding sections, the money shall remain in the custody of the treasurer aforesaid, if in his custody at the time, and if in a depository, and its removal be ordered, it shall be transferred to such treasurer, in the manner provided in section seven for removals, and in either case such treasurer shall be custodian as aforesaid until such time as a depository is secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the city clerk, which in such case shall not be in duplicate; but he shall keep such books, and make such statements of receipts and payments, as city treasurer, as are required by this act when the money is in the custody of a depository, except that such books and statements shall show that the money is in his custody instead of being in the custody of a depository.

Funds to remain in county treasury if depository cannot be secured.

SECTION 10. It shall be the duty of every board, officer, agent, [and] employe of each city within the provision of this act, having money in their hands belonging to the city, to deposit such money with the city treasurer upon the taking effect of this act; and thereafter such boards, officers, agents, and employes as receive money on account of the city shall deposit with the treasurer daily all money so received by them and no person or employe of the city shall pay out any public money for any purpose except such as is paid out by the city treasurer under the provisions of this act.

Officers and agents required to deposit city funds with treasurer.

SECTION 11. The treasurer aforesaid shall, upon the receipt of a written notice, signed by the president and secretary of the commission, stating that a depository has been selected in pursuance of the provisions of this act, and naming the bank selected, deposit in such depository all the money in his custody belonging to the city and to the school district respectively, and thereafter he shall, at the close of each business day, deposit therein his total receipts for the day, which time or hour of the day may be designated by the commission and made a matter of record, and the same shall be observed by the treasurer as the hour for the closing of each day's business. All money so deposited shall bear interest at the rate specified in the proposal of the bank selected as depository, to be computed on daily balances; and on the first day of March and the first day of September each year, and at any time the accounts are closed, the depository shall place such interest on the money of the city to the credit of the city, and the treasurer shall, in writing notify the city clerk of the amount so credited to the city, which shall be credited by the clerk to its several funds including the school fund in proportion to the total amount of each deposited.

Deposit by treasurer in depository.

SECTION 12. The depository shall, in writing, notify the city clerk before noon of each business day of the amount of deposits to the credit of the city, made by the city treasurer

Disbursements from depository.

the preceding business day; and the depository shall pay out money deposited under the provisions of this act only on the checks of the city treasurer, and no such check shall be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the city clerk, authorizing the payment of the sum specified in the check. All such warrants and orders shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," and shall be filed and kept in the office of the treasurer to whom it is issued, and the other shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of such treasurer.

Daily statements by treasurer.

SECTION 13. Before noon of each business day the city treasurer shall make to the city clerk a sworn statement, showing for the preceding business day the total amount of money received by him, the total amount deposited in the depository, the total amount of checks issued on the depository, and the balance in the depository, and he shall keep such books as shall enable him to make such statements. All money paid to the city treasurer except the collection of taxes placed upon the duplicate by the county auditor, shall be paid upon the order or draft of the city clerk, and receipts given therefor shall be in duplicate, one of which shall have printed upon its face the word "original," and the other the word "duplicate." The duplicates of receipts for money belonging to the city shall be filed with the city clerk, and each duplicate shall be so filed on the day of its date; and each receipt and duplicate shall state the amount received, from whom received, and to what fund or funds the same is to be applied.

Pay-roll of police, fire and street department.

SECTION 14. The monthly pay-rolls of the police, fire, and street departments of the city, and the monthly pay-rolls of the board of education of the school district, shall be paid in cash; and to provide money for such payments the city clerk, upon the receipt of an order and a pay-roll specifying the amount and to whom such payments are due, from the clerk of the board of education, countersigned by the president of the board, shall issue an order upon the treasurer for an amount equal to such pay-roll, which order and pay-roll shall be by the clerk of the city, delivered to the treasurer, who shall draw his check upon the city depository, if the money of the city is in a depository, and if in the city treasury, in either case he shall pay the persons to whom such several amounts are due, taking their receipts therefor upon such pay-roll. And for the pay-rolls of the city departments specified in this section, the clerk of the city shall, after approval by ordinance by the city council, issue his order upon the treasurer, and with delivery of such order to the treasurer, shall be a complete pay-roll of each of the aforesaid departments, specifying the person to whom and the amount to be paid, and the treasurer, upon the receipt of the order and pay-roll, shall draw his check upon the city depository, if the money of the city is in a depository, and if in the city treasury he shall, in either case, pay said several amounts, taking the receipt of the person to whom such payments are due upon the pay-roll

furnished the treasurer by the city clerk; but all other payments made by the city shall be by separate orders, and shall be drawn in favor of the person to whom the amounts specified therein respectively are due, or in favor of their assigns. And each and every order drawn by the city clerk shall be in duplicate, the original being delivered to the party to whom the payment is made, and the duplicate, a stub from which the original has been detached, kept in a book provided by the city for such original [and duplicate] orders, and on file in the office of the city clerk.

SECTION 15. The city clerk shall keep in his office books in which shall be entered the receipts of the city treasurer's office daily to the credit of the city, as shown by the duplicate receipts returned to him by the treasurer, the amount of deposits by the treasurer daily with the depository to the credit of the city, as shown by the statements of the depository, the daily aggregate amount of all warrants issued by him, and the balance at the close of each business day to the credit of the city in the hands of the depository. And upon receipt by the city clerk of the sworn statement provided for by section thirteen he shall certify thereon to the correctness of the same, if, upon comparison with his books he find the same to be correct, and shall file such statement in his office. If any such sworn statement be found incorrect he shall forthwith give notice of such fact to the treasurer, and unless the discrepancy be discovered and corrected immediately he shall forthwith notify the depository commission thereof.

Accounts city clerk.

SECTION 16. The city clerk shall keep in his office books which shall show the balance daily to the credit of each fund of the city department and school district, and shall issue no order payable from any such fund unless there is money belonging thereto for the payment of the order in full; and on the first business day of each month he shall prepare, and submit to the depository commission, a sworn statement for the preceding month showing the total amount of money received into and paid out of each fund respectively, the balance to the credit of each, and also the total balance of money to the credit of the city and the school district respectively in the custody of the depository, which statements shall be placed on file by the commission, and a copy of the statement made by the city clerk, duly certified as such by the commission, shall be transmitted to the board of councilmen of the city, and a like copy of the statement shall be transmitted to the board of education of the school district, and each shall be read in open session at the next meeting of the board to which it is transmitted. On the day aforesaid some officer of the bank acting as the city depository shall file with the depository commission all checks of the city treasurer paid and redeemed by the bank during the previous month, and the commission shall compare such checks with the records of the city clerk's office and if they be found to correspond the commission shall give the bank a receipt for the same and they shall forthwith cancel and file such checks in the office of the clerk.

Monthly statement by city clerk.

SECTION 17. Upon the passage by the common council

When clerk to
issue warrants.

of any city contemplated by this act of the aforesaid ordinance, duly approved, providing for the payment of obligations of the city, the city clerk shall issue his warrants, subject to the provisions of sections fourteen and sixteen for the payment of such obligations respectively.

Liability of
treasurer.

SECTION 18. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of the treasurer of the city; provided, such treasurers shall not be held liable for the loss of any money deposited as aforesaid while it is in the custody of the depository.

Treasurer
school funds.

SECTION 19. In each city within the provisions of this act the city treasurer shall also be the treasurer of the school funds of the city.

Provision.

SECTION 20. Any provision of the statutes of this state in force when this act takes effect, which conflicts with any provision of this act, shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise as to cities and school districts aforesaid.

Penalty for
violation of
this act.

SECTION 21. An officer, agent, or employe of any city contemplated by this act, or of any officer of the board of education of any such school district, who willfully violates any provision of this act or willfully neglects or refuses to perform any duty imposed upon him by this act, shall, upon conviction thereof, be fined in any sum not exceeding ten thousand dollars, for the use of the city, if he be an officer, agent, or employe of the city, and for the use of the school district if he be an officer, agent, or employe of the board of education thereof, or be imprisoned in the penitentiary not more than ten years nor less than one year or both, at the discretion of the court.

SECTION 22. This act shall take effect on the first day of September, one thousand eight hundred and eighty-nine.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 12, 1889.

[Senate Bill No. 130.]

AN ACT

To amend section 4163 of the Revised Statutes of Ohio, as amended March 19, 1887 (84 vol., 133, 134).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4163 of the Revised Statutes of Ohio, as amended March 19, 1887 (84 vol., 133, 134), be amended so as to read as follows:

Sec. 4163. When a person dies intestate and leaves any personal property, such personal property shall be distributed in the manner prescribed in section forty-one hundred and fifty-nine, as to real property which came not by descent, devise or deed of gift from any ancestor; saving, however, such right as any widow or widower may have to any portion of such personal property; provided, that any fund in the hands of any administrator, guardian, assignee or other trustee, which has arisen from the sale of real estate, after the death of the intestate, which come to such intestate by descent, devise or deed of gift from an ancestor, shall descend according to the course of descent prescribed by section forty-one hundred and fifty-eight for ancestral real estate. If there be no person living to inherit the same, by the provisions of this chapter, such personal property shall pass to and be vested in the state, and the prosecuting attorney of the county in which letters of administration are granted upon such estate, shall collect the same and pay it over to the treasurer of such county, to be applied exclusively to the support of the common schools of the county in which the estate is so collected, in such manner as may be prescribed by law.

Distribution of
personal
estate.

SECTION 2. Said section 4163 of the Revised Statutes of Ohio, as amended and passed March 19, 1887 (84 vol., 133, 134), be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 340.]

AN ACT

To amend section 3835a and section 3835b of the Revised Statutes of Ohio, passed May 8, 1886 (83 vol., 116), relating to the management of building associations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3835a and section 3835b of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3835a. So much of the earnings as may be necessary shall be set apart to defray the current expenses of the corporation, and a portion of the earnings to be determined by the board of directors, shall be reserved annually or semi-annually, for the payment of contingent losses, and the residue of such earnings shall be transferred as a dividend annually, or semi-annually, in such proportion to the credit of all members, as the corporation, by its constitution and by-laws

Application of
earnings.

may provide, to be paid to them at such time and in such manner in conformity with this act, as the corporation by its constitution and by-laws may provide; also in case of a loss, all losses shall be assessed in the same proportion and manner on all members after the amount in the reserve fund has been applied to the payment of such loss, and upon the cancellation of any share or shares that have been fully paid, the corporation shall pay to such member or members, their pro rata share of so much of the reserve fund as has been accumulated during the membership and remains therein at the time of the termination of the membership of such member or members.

Constitution
and by-laws.

Sec. 3835b. Such corporation shall be authorized to provide in their constitution and by-laws, rules and regulations, for the terms of membership, for the manner of subscribing shares of stock therein, for a rebate of interest at the end of each year on the amount of dues paid on loans upon such terms and conditions as the corporation in its constitution and by-laws may provide, for the sale of money, for the time and amount of payment of dues, interest, premiums, fines and other assessments, for the withdrawal of non-borrowing members, and also for the withdrawal by non-borrowing members of part payments on their shares of stock, for the cancellation of the securities of borrowing members upon demand being made by them or their legal representatives. All shares canceled, new shares may be issued in lieu thereof.

SECTION 2. That original sections 3835a and 3835b, as enacted May 8, 1886 (83 vol., 116), be and the same are hereby repealed.

SECTION 3. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 341.]

AN ACT

To amend section 3 of an act passed April 11, 1888 (85 vol., 183), to regulate the payments of dividends by the directors of corporations, and supplementary to chapter 1, title 2, part 2, of the Revised Statutes of Ohio, "Relative to dividends declared by corporations."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3 of an act passed April 11, 1888 (85 vol., 183), to regulate the payment of dividends by the directors of corporations, and supplementary to chapter 1, title 2, part 2, of the Revised Statutes, be amended as follows:

Rules for
ascertaining
surplus profits.

Sec. 3. All losses sustained by the corporation, and in the computation of such losses, all debts owing to the corporation

shall be included which shall have remained due without prosecution, and no interest having been paid thereon for more than one year, or on which judgment shall have been recovered, and shall have remained for more than two years unsatisfied, and on which no interest shall have been paid during that period; and no such corporation shall advertise a larger amount of capital stock than has actually been subscribed and paid in; also shall not advertise a greater dividend than what has been actually earned and credited or paid to its stockholders or members.

SECTION 2. That original section 3 of an act entitled an act, passed April 11, 1888 (85 vol., 183), to regulate the payments of dividends by directors of corporations, is hereby repealed.

SECTION 3. This act shall be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 373.]

AN ACT

To amend an act passed April 12, 1880, and entitled "an act supplementary to an act entitled 'an act to revise and consolidate the General Statutes of Ohio,' passed June 20, 1879, and to amend section 3630 of said act" (77 vol. O. L., p. 178).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eight (8) of the above recited act be and the same hereby is amended to read as follows:

Sec. 8. This act shall not apply to any association of religious or secret societies, or to any class of mechanics, express, telegraph or railroad employes, formed for the mutual benefit of the members thereof, and their families exclusively; provided, that any such association or class which may desire to become subject to the provisions of sections 3630a, 3630c and 3630d, of the Revised Statutes of Ohio, may file with the state superintendent of insurance, notice in writing of such desire, signed by the president of said association or class, and attested by the secretary thereof; and thereupon said association or class shall become subject to all the terms and provisions of said sections 3630a, 3630c and 3630d, of said Revised Statutes. The superintendent of insurance shall thereupon immediately provide such association or class with the proper blanks for furnishing the statement of the condition of such association or class, as provided in said section 3630a, and such association or class shall make such report within sixty days there-

Certain
associations
exempted from
provisions of
this act.

after, and thenceforward annually, as in the case of other insurance companies, which report shall be included by said superintendent of insurance in his annual tabulated report, in the same manner as the reports of other companies and subject to the fees prescribed in section 282 of the Revised Statutes of Ohio; provided, further, that the treasurer of any association or class which shall avail itself of the benefits of this enactment, shall be required to give a bond in the same manner as is provided in section 3631 Revised Statutes of Ohio; said bond to be conditioned, approved, and renewed, as provided in said section.

SECTION 2. That the original section eight (8) of the previously recited act, to which this act is amendatory, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 390.]

AN ACT

To enable councils of incorporated villages in counties containing a city of the second grade of the first class to adopt regulations requiring any person or corporation desirous of erecting, repairing, changing or altering any building, [buildings] or structures within the limits of such villages to obtain a building permit.

Authorizing
councils of
certain villages
to grant building
permits.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village in any county containing a city of the second grade of the first class, may adopt regulations requiring that when any person, persons or corporation shall be desirous of erecting, repairing, changing or altering any building, buildings or structures within the limits of any such village, he or they shall make application to the clerk of said incorporated village for a permit for that purpose, and shall furnish said clerk with a written statement of the land or lot, and the name of the street upon which it is proposed to make the improvement, name of the owner, number of ward, and the estimated cost of improvement. Said clerk shall issue the permit required by this act when the written statement required has been furnished, and may charge therefor such sum, not exceeding three dollars, as may be fixed by the council.

Record to be
kept.

SECTION 2. It shall be the duty of said clerk to keep a record of all permits issued, which shall be regularly num-

bered in the order of their issue, and also a record of the statement upon which the permits are issued, and shall report the same annually, upon the second Monday of April, to the county auditor.

SECTION 3. It shall be the duty of the county auditor, upon receipt of a copy of said statement, upon the second Monday of April, annually, to furnish each of the assessors in such village with a copy of the statement upon which permits have been issued for the year preceding, within the ward or wards such assessor is to assess, for the purpose of assessing such building or buildings for taxation.

Stat ment
upon which
perm's issued
to be furnished
to ass: sorn.

SECTION 4. Any person who shall violate any of the provisions of any ordinance of such villages passed in pursuance of this act, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each and every offense; provided, that nothing in this act shall be so construed as to in any manner interfere with the authority of the council to control and regulate the construction and repair of buildings.

Penalty for
violation.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 418.]

AN ACT

To amend section 1517 of the Revised Statutes of Ohio, relating to assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1517 of the Revised Statutes be amended so as to read as follows:

Sec. 1517. Before entering upon the discharge of his duties the assessor shall give bond, with two or more freehold sureties, approved by the trustees, in such sum as they determine, but not less than one thousand dollars, payable to the state, and conditioned for the faithful and impartial discharge of his duties according to law; which bond, with his oath of office endorsed thereon, shall be deposited with the township clerk and duly recorded by him as in other cases, and a certified copy thereof shall have the same force and effect; but in case of appointment of an assessor by the county auditor the amount of his bond, not less than one thousand dollars, may

Bond.

be fixed, and the sureties therein approved by the auditor or by the trustees.

SECTION 2. That section 1517 of the Revised Statutes be and is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 349.]

AN ACT

To quiet title to unpatented lands in the Virginia military district of Ohio.

WHEREAS, The United States, by an act of congress, dated February 18, 1871, ceded the unsurveyed lands in said district to the state of Ohio; and

WHEREAS, The general assembly of Ohio, by act of March 26, 1872, ceded said lands to the Ohio state university; and

Preamble.

WHEREAS, It was supposed at the time of the passage of said act of cession, that the legal title passed only to such lands as had not been surveyed, but it is now understood, and courts have been holding in many actions brought by said university to reclaim defective surveys, that the legal title to all unpatented lands in said district where the survey was not returned to the general land office, Washington D. C., before January 1, 1852, is now in said university; therefore,

Trustees of
Ohio State
University
authorized to
make certain
deeds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That as soon as the board of trustees of the Ohio state university accepts the provisions hereinafter made, it is hereby authorized and required to execute and deliver upon demand, a deed of conveyance to the parties in possession under claim of title of any unpatented survey or part thereof, in said Virginia military district; provided, however, that all applicants for such deed must furnish said trustees with a certified copy of the deed under which they claim, and if required, a certified copy of the unpatented survey in which their lands are situate, as the necessary evidence to satisfy the board that the same has never been patented, but has been occupied and improved by the said parties in possession or those under whom they claim title, for more than twenty-one years. Provided, also, that each applicant shall pay the board

of trustees the sum of two dollars, as the cost of preparing and executing such deed.

SECTION 2. The auditor of state shall add the sum of one dollar per acre, reckoned by the number of acres of land in each actual survey for all conveyances so made to that part of the irreducible debt of the state, which forms the endowment of said Ohio state university; provided, that in cases where suit has been brought for the recovery of said lands, persons demanding deeds of release, shall pay all court costs of such suits. Duty of auditor of state.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 432.]

AN ACT

To amend sections 1393 and 1442, and to amend and supplement section 2932 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one thousand three hundred and ninety-three, one thousand four hundred and forty-two, and two thousand nine hundred and thirty-two, as heretofore amended, be amended and supplemented so as to read as follows:

Sec. 1393. Whenever, under and by virtue of proceedings had under section thirteen hundred and eighty-nine (1389) of the Revised Statutes of Ohio, a separate precinct is set off, the territory of which is entirely included within the boundaries of an incorporated village, the two members of the council of said village, elected at the preceding spring election, having the highest number of votes of those elected, and the elector, who was a member of a political party to which one or both of such councilmen did not belong, who received the highest number of votes for councilman of those voted for, not elected at the preceding spring election, shall be the judges, and the clerk of said incorporated village, and an assistant, not of the same political party as the clerk, to be chosen *viva voce* from the qualified electors of those present, shall be the clerks of such separate election precinct; but if two or more of the councilmen elected receive the same number of votes, or if two or more of those not elected receive the same number of votes, the clerk of such incorporated When judges and clerks of election chosen.

village shall publicly determine, by lot, which shall be judges of election. Judges so chosen shall serve as such for one year, and until their successors are chosen and qualified, and the clerk shall issue to them a certificate of election, as in other cases. In case any of such judges or clerks fail to appear at the place to be provided and designated by the council of said village by resolution at the time provided by law for the opening of the polls at such special election precinct, the place or places of such judge or judges, clerk or clerks shall be supplied *viva voce* from the number of those present having the qualifications of electors at such election. The clerks and judges of such separate election precinct shall be governed, in all respects, by the laws now in force for the holding of elections.

When, where
and how
election held.

Sec. 1442. On the first Monday of April, annually, the electors of each township shall assemble at such place as is appointed by the trustees thereof (or by the advertisement of the commissioners, in case of a newly set off township), for the purpose of electing their township officers; and the electors, when so assembled to the number of ten or more, either at the annual or any special township election or meeting, between the hours of six and ten before noon, shall proceed to choose, *viva voce*, three persons having the qualifications of electors, judges of the election, and two persons having like qualifications, to serve as clerks; but in townships for which township officers have been chosen for the preceding year, the trustees shall serve as judges, and the clerk and such other person as the judges appoint, shall serve as clerks of election then to be held, and if either of the trustees or clerk fails to attend, the place of such trustee or clerk shall be filled by the electors, *viva voce*, as aforesaid; provided, that, if the trustees of any township belong to the same political party, then the person not a member of the same political party as the trustees, having received the next highest vote for the office of trustee at the next preceding township election shall act as judge in the place of the trustee last elected for the term of three years; and provided, further, that the clerk selected as herein provided shall not be a member of the same political party as the township clerk.

Judges of
election for
township
precincts, how
constituted
and chosen.

Sec. 2932. Judges of elections for each township precinct shall be constituted and chosen as follows:

First. In every township in which the trustees are not all members of the same political party, the trustees shall be the judges.

Second. In every other township except townships divided into election precincts, the two trustees whose term of office expires in one and two years respectively, and the person not a member of the same political party as these trustees, having received the next highest vote for the office of trustee at the preceding township election shall act as judges.

Third. If two or more persons not members of the same political party as the trustees received the same number of votes at the preceding township election for trustee, the town-

ship clerk shall publicly determine by lot which of such persons shall act as judges.

Fourth. In every township containing more than one election precinct each trustee shall act as judge in the precinct in which he resides, unless they all reside in the same precinct, when the two only can so act therein, and the other trustee shall act as judge in any other precinct; and additional judges, so that there shall be three judges at each precinct, shall be chosen, as provided in section 2935; and the clerk of every township shall make and preserve a record of the names of all persons chosen judges of election in such township, and the date when chosen.

Fifth. If, at the preceding township election, no person was voted for who was a member of a different political party as the township trustees, or if such person or persons voted for at the preceding township election have since died or ceased to be a resident of such township, then the electors present shall choose *viva voce* a suitable person having the qualifications of an elector, and who does not belong to the same political party as the trustees, and from that political party casting the next highest vote in the township to the dominant party therein, to act as judge.

Sec. 2932 (a). In all public elections in townships not divided into election precincts there shall be two clerks, having the qualifications of electors therein, one of whom shall be the township clerk and the other shall be chosen as provided in section two thousand nine hundred and thirty-five, and he shall not be a member of the same political party as the township clerk. And in townships divided into election precincts there shall be two clerks in each precinct. The township clerk shall act as one of the clerks in the precinct in which he resides, and the other clerks shall be chosen as provided in section two thousand nine hundred and thirty-five; provided, that only one of the clerks so chosen in each precinct shall belong to the same political party as the township clerk, and in all cases the political party casting the next highest vote at the preceding township election to the dominant party in that township shall be represented. Clerks.

SECTION 2. That sections 1393, 1442 and 2932, as heretofore amended, are hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 525.]

AN ACT

To define pure wines, wines, compounded wines and adulterated wines, and to regulate the manufacture and sale of compounded wines, and to prohibit the manufacture or sale of adulterated wines within the state of Ohio.

Adulterated
wine.

Penalty for
manufacturing
or selling.

Defining
"pure wine."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That, all liquors denominated as wine containing alcohol, "except such as shall be produced by the natural fermentation of pure, undried grape-juice," or compounded with distilled spirits, or by both methods, whether denominated as wine, or by any other name whatsoever, in the nature of articles for use as beverages, or for compounding with other liquors intended for such use, and all compounds of the same with pure wine, and all preserved fruit-juices compounded with substances not produced from undried fruit, in character of, or intended for use as beverages, and all wines (including all grades and kinds) which contain, or in the production or manufacture of which, any glucose, or uncrystallized grape or starch sugar, or cider, or pomace of grapes out of which the juice has been pressed or extracted, known as grape cheese, has been used, and all wines, imitation of wines or other beverages produced from fruit into which carbonic acid gas has been artificially injected, or which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, salicylic acid or any other antiseptic, coloring matter (other than produced from undried fruit, or pure sugar), essence of ether or any foreign substance whatsoever, which is injurious to health, shall be denominated as adulterated wine, and any person or persons who shall manufacture, or cause the same to be done, with intent to sell, or shall sell or offer to sell, any of such wine or beverage, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred dollars, or more than one thousand dollars, or be imprisoned in the county jail for a term of not less than thirty days or more than six months, or by both such fine and imprisonment, in the discretion of the court, and shall be liable to a penalty of one dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell, and such wine or beverage shall be deemed a public nuisance and forfeited to the state, and shall be summarily seized and destroyed by any health officer, marshal, constable or sheriff, within whose jurisdiction the same shall be found, and the reasonable expense of such seizure and destruction, not exceeding the amount paid for similar services, shall be a county charge, and paid out of the county treasury in the same manner as costs in criminal cases, where the state fails to convict, are now allowed and paid out of such treasury.

SECTION 2. For the purpose of this act the words "pure wine" shall be understood to mean the fermented juice of the undried grapes, without the addition thereto of water. sugar,

or any foreign substance whatever; and all such wines shall be known as "pure wine" and may be stamped, branded, labeled, designated and sold as "pure wine," and the name and kind of wine, and that of the locality where such wine is made, and of the manufacturer, may also be added; and it shall be unlawful to affix any stamp, brand or label containing the words "pure wine" (either alone or with other words) on any vessel, package, bottle or other receptacle containing any substance other than pure wine as in this section defined, or to prepare, or use on any vessel, package, bottle, or other receptacle containing any liquid, any imitation or counterfeit of such stamp, label or brand, or any stamp, label or brand of such form and appearance as to be calculated to mislead or deceive any person, or cause to be supposed that the contents thereof be pure wine, or to use any vessel, package, bottle or other receptacle, having such stamp, brand or label affixed thereon, except for pure wine as in this section defined; and if the name of the manufacturer is added, then only of such manufacturer's make, providing the same is pure wine.

SECTION 3. For the further purpose of this act the word "wine" shall be understood to mean the fermented juice of undried grapes; provided, however, that the addition of pure white or crystalized sugar to perfect the wine, or the using of the necessary things to clarify and refine the wine which are not injurious to health, shall not be construed as adulterations, but such wines shall contain at least seventy-five per cent. of pure grape-juice, and shall not contain any artificial flavoring whatever; and all such "wine" shall be known as "wine," and may be stamped, branded, labeled and sold as "wine," in the same manner as is provided in section two of this act in case of pure wine, except the words in this case shall be "wine" without the prefix "pure," and all the provisions of said section two, as far as applicable, shall govern the manufacture and sale of "wine" as in this section defined.

SECTION 4. For the further purpose of this act, should any person or persons manufacture or cause the same to be done, with intent to sell or offer to sell, any wine which contains less than seventy-five per cent. of pure, undried grape-juice, and is otherwise pure, such wine shall be known as compounded wine and shall be branded, marked, labeled and sold as compounded wine or sweet wine, and upon each and every package, barrel or other receptacle of such wine, which shall contain more than three gallons, there shall be stamped upon both ends of such package, barrel or other receptacle, in black printed letters at least one inch high and of proper proportion, the words compounded wine or sweet wine, and upon all packages or other receptacle which shall contain more than one quart and up to three gallons, there shall be stamped upon each of said packages or receptacles in plain, printed black letters, at least one-half inch high, and of proper proportion, the words compounded wine or sweet wine, and upon all packages, bottles or other receptacle of one quart or less, there

"Compounded wine."

shall be placed a label securely pasted thereon, on which label the words "compounded wine" or "sweet wine" shall be plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should any number of such packages or other receptacle be enclosed in a larger package, as a box, barrel, case or basket, such outside package shall also receive the stamp, "compounded wine" or "sweet wine," the letters to be the size according to the amount of such wine contained in such outside packages.

Penalty for
violating this
act.

SECTION 5. Any person or persons who shall sell or offer for sale, or manufacture or cause the same to be done, with intent to sell any wine stamped or labeled, or branded, or designated in any manner as "pure wine," either by including the word "pure" with "wine" alone or in connection with other words, which is not "pure wine" as is in section two of this act defined, or any wine stamped, or labeled or branded, or in any manner designated as "wine," but which is not wine as in section three of this act defined, or shall violate any provision of said sections two and three of this act, or shall sell or offer for sale, or manufacture, or cause the same to be done, with intent to sell any wine of the kind and character as described in the fourth section of this act, which shall not be stamped, marked, or labeled after the manner and mode therein prescribed, or which is falsely stamped, or marked, or labeled, such person or persons shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars for each and every offense, or by imprisonment in the county jail not less than thirty days, or more than six months, or both fine and imprisonment, in the discretion of the court, and in addition thereto shall be liable to a penalty of one-half dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell or offer for sale. All penalties imposed by this act, may be recovered with costs of action by any person in his own name, before any justice of the peace in the county where the offense was committed, where the amount does not exceed the jurisdiction of such justice; and such penalties may be recovered in the like manner in any court of record in the state, but on the recovery by the plaintiff in such case for a sum less than fifty dollars, the plaintiff shall only be entitled to costs to amount equal to the amount of such recovery. It shall be the duty of the prosecuting attorney of the respective counties of this state, and they are hereby required to prosecute or commence action in the name of the state of Ohio, for the recovery of the penalties allowed herein, upon receiving proper information thereof, and in actions brought by such prosecuting attorney, one-half of the penalty recovered shall belong to and be paid over to the person or persons giving the information upon which the action is brought, and the other one-half shall be paid to the treasurer of the county in which said action is brought, within thirty days from the time of its collection, and such money shall be placed to the credit of the poor fund of the town, city or township in which the cause of action arose, after paying therefrom a reasonable attorney fee to the prosecuting attorney.

Duty of prosecuting
attorney.

prosecuting such suit, to be fixed and allowed by the court trying such cause. All judgments recovered in pursuance of the provisions of this act, with interest thereon, may be collected and enforced by the same means and in the same manner as judgments in other cases. Two or more penalties may be included in the same action.

SECTION 6. The provisions of this act shall not apply to medicated wines, such as are put up and sold for medicinal purposes only; nor to currant wine or other wines made from fruits, other than grapes, which are plainly labeled, or branded, or designated and sold, or offered for sale under names including the word wine, but also expressing distinctly the fruit from which they are made, as "gooseberry wine," "elderberry wine," or the like. Exceptions.

SECTION 7. This act shall take effect and be in force from and after September first, next following its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 693.]

AN ACT

For the relief of Delia S. Kelsey, mother of Fred. L. Reeves, late of Co. H, 16th Regiment, O. N. G.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio, be and he is hereby authorized and required to issue his warrant on the state treasury to pay to Delia S. Kelsey, of Toledo, Lucas county, Ohio, two hundred dollars (\$200.00), out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated; said Delia S. Kelsey being the mother of Fred. L. Reeves, late a private in company H, 16th regiment, Ohio National Guard, and who was accidentally killed while on duty under orders at Cecil, Paulding county, Ohio, April 26, 1887; and said two hundred dollars shall be in full liquidation and payment to said Delia S. Kelsey of all claims by reason of the death of her said son as aforesaid.

Making appropriation for relief Delia S. Kelsey.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 827.]

AN ACT

Making appropriations to pay the principal and interest on the public debt, and interest on the irreducible debt, and expenses of the sinking fund commissioners.

Appropriation
to pay funded
and irreducible
debt and
expenses of
sinking fund
commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money that may be in the treasury, or that may come into the treasury, belonging to the sinking fund, the following sums for the purposes herein named:

For the payment of the principal of the funded debt, due July 1, 1889, two hundred and fifty thousand dollars (\$250,000).

For the payment of interest on the funded debt, ninety-one thousand two hundred dollars (\$91,200), or so much thereof as may be necessary to pay the interest falling due July 1, 1889, and January 1, 1890.

For the interest on the irreducible debt of the state, which constitutes the school, ministerial indemnity fund, Ohio university and Ohio state university, two hundred and seventy-six thousand three hundred and forty dollars and eighteen cents (\$276,340.18), or so much thereof as may be necessary to pay said interest.

For the payment of the expenses of the commissioners of the sinking fund, including salary of clerk, fifteen hundred dollars (\$1,500).

For the expenses of the commissioners in paying the loan and interest due July 1, 1889, and January 1, 1890, three hundred dollars (\$300).

To pay attorneys' fees in case of State vs. Netter "et al," two thousand dollars (\$2,000).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 870.]

AN ACT

For the better protection of life and property by requiring county commissioners to erect guard rails.

Guard rails on
county bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of every board of county commissioners in this state to, within two years after the

passage of this act, erect or cause to be erected, and maintained, where the same has not already been done, one or more guard rails on each end of every county bridge, viaduct or culvert, the same being more than five feet high; and also erect or cause to be erected, where the same has not already been done, one or more guard rails on each side of every approach to each and every county bridge, viaduct or culvert, wherever said approach or embankment is more than six feet high, and also within five years after the passage of this act, to protect, by suitable guard rails, all perpendicular wash-banks more than eight feet in height, where the same shall have any immediate connection with a public highway, or is adjacent thereto, in an unprotected condition. Providing that in municipal corporations it shall be done by the municipality.

SECTION 2. Said guard rails shall be erected in a substantial manner, having sufficient strength to serve as a protection to life and property, and shall be paid for out of the county bridge fund in each and every county of this state.

How paid for.

SECTION 3. Each and every failure to comply with the provisions of this act shall render the county liable for all accidents or damages as a result of such failure, which may occur after a period of five years from the passage of this act.

Penalty.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 891.]

AN ACT

To authorize landowners to improve their lands within the lines of the highway by ornamentation and the construction of sidewalks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any landowner owning land abutting upon any highway, not within a municipal corporation, to improve the same as follows: When approved by the township trustees, upon a road laid out sixty-six feet wide, to grade a sidewalk eight feet wide within the line of the road, and to grade and grass and plant trees on a strip seven feet wide outside of said sidewalk to the gutter; and upon streets laid out sixty feet in width, such sidewalks may be made seven feet wide, and such parking five feet wide to the gutter, and such improvements shall not be interfered with by supervisors of roads.

Sidewalks
along high-
ways.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 992.]

AN ACT

To authorize cities of the first grade, second class, to issue bonds and borrow money for the purpose of constructing levees.

Councils of
certain cities
authorized to
issue bonds for
constructing
levee.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council in any city of the first grade, second class, be and it is hereby authorized and empowered to issue the bonds of any such city, in amount not to exceed fifty thousand (\$50,000) dollars, for the purpose of paying the expense of constructing a levee on the west bank of any river in the west part of any such city. Said bonds shall be issued in such denominations, not exceeding one thousand (\$1,000) dollars each, as the said city council may determine, and redeemable in ten years from their date. All of said bonds shall bear such rate of interest, not exceeding four and one-half per cent. per annum, payable annually, or semi-annually, as such council may determine, and said bonds shall in all respects be made and disposed of as provided by law.

Levy of tax.

SECTION 2. The city council of any such city of the first grade, second class, shall levy, annually, on all the property in any such city, a tax sufficient in rate and amount to pay the accruing interest on such bonds, if issued, and to provide a sinking fund to pay said bonds at maturity; and such levy may be additional in rate and amount to the tax authorized by law to be levied for any and all other purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1115.]

AN ACT

To fix the time of election of common pleas judges in the first subdivision of the ninth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judges of the court of common pleas heretofore elected and now holding office in the first subdivision of the ninth judicial district of Ohio, composed of the counties of Columbiana, Carroll and Stark, shall serve out the judicial terms for which they were severally elected, and at the general election, which shall be held on the first Tuesday after the first Monday in November next preceding the expiration of their said terms, respectively, and each and every five years thereafter, their successors in office shall be elected by the electors of said sub-district, so that the successor in office of each of said judges shall be elected at the general November election next preceding the expiration of his term.

Common pleas
judges; election
of in certain
district.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1162.]

AN ACT

To authorize cities of the fourth grade of the second class having a population of 6,252 at the last federal census, or any succeeding federal census, to borrow money and issue bonds therefor, for the purpose of procuring territory and right of way, sinking wells for natural gas, purchasing wells and natural gas works, purchasing and laying pipes, and supplying such cities with natural gas, or manufacturing gas out of petroleum for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the fourth grade of the second class in the state of Ohio having a population of 6,252 at the last federal census, or any succeeding federal census, shall be and is hereby authorized to issue its bonds for an amount not exceeding two hundred and fifty thousand dollars, for the purpose of procuring territory, right of way, sinking wells for natural gas, purchasing wells and natural gas works, purchasing and laying pipes, with all necessary fixtures, attachments, machinery, and for constructing the necessary buildings to supply such city and the citizens thereof and others with natural gas or gas manufactured from petroleum for public and private use and consumption.

Authorizing
certain cities
to issue natural
gas bonds.

Question to be
submitted to
vote.

SECTION 2. Before such bonds, or any of them shall be issued by any such city, the question of issuing them shall be submitted to a vote of the qualified electors of such city, at any general or special municipal election to be held therein; and at such election separate ballots shall be provided and used by the voters upon said question. The tickets voted shall have written or printed thereon the words, "Authority to issue gas bonds—Yes;" or, "Authority to issue gas bonds—No." If the proposition to issue bonds be approved by a two-thirds vote of those voting upon the proposition, such city shall have authority, and it shall be the duty of the proper officers to issue such bonds for the purpose named, as provided in this act.

Publication.

SECTION 3. The mayor of any such city, before any such municipal election after the passage of this act, shall cause public notice of the submission of said question to be published in all the newspapers published and of general circulation therein, for at least ten days prior to such election, and said election shall be held, proclamation thereof and returns thereof made, in all respects, not otherwise herein provided, as municipal elections are now required by law to be held and returned in such cities.

Bonds;
denomination.

SECTION 4. Said bonds when so authorized, shall be issued according to the provisions of an ordinance to be by the common council passed for that purpose, in denominations not less than five hundred dollars and not more than one thousand dollars, payable at such times, not less than ten years, and not exceeding thirty years from the date of the issue thereof, with interest not to exceed six per cent. per annum, payable semi-annually, principal and interest payable at such place as may be by said ordinance provided for, and such bonds shall have attached thereto coupons representing the interest to accrue thereon. Said bonds shall in all cases express upon their face the purpose for which, and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of such municipality, with the seal thereof impressed thereon, and shall be sold according to law and for not less than their face value.

Limitation.

SECTION 5. No more of said bonds in any case shall be issued or sold than is necessary for, and required by the actual and necessary cost and expense of procuring the necessary grounds, sinking such number of wells as may be required for the purposes named, the purchase of wells and natural gas-works, purchasing and laying pipes, and the right of way therefor, and such other necessary attachments, fixtures, machinery and structures, as may be requisite to carry into effect the provisions of this act. And such bonds shall be sold from time to time, as the works progress, and in such amounts as shall be required for the proper progress and completion of such work. All proceeds and moneys arising from such bonds to be used exclusively for, and applied to the payment of the work, labor, material and other expenses necessary for the supply of gas for the purposes aforesaid. But not more than twenty-five thousand dollars of said bonds

Application of
proceeds.

shall be issued or sold for the purpose of paying the cost and expenses of procuring the necessary gas territory, and sinking and purchasing such number of wells as may be required for the purposes named; provided, that the common council of any such city may by ordinance authorize the trustees of gas-works to increase such cost and expense to a total amount not in excess of fifty thousand dollars, and may authorize the further issue and sale of such bonds for such purpose to the extent of an additional twenty-five thousand dollars.

SECTION 6. All moneys collected or received by the trustees of gas-works of such cities, respectively, from the consumers of such gas, after paying the necessary running expenses thereof, shall be applied to the payment of such bonds and interest. And the council of such municipality is hereby authorized to levy a tax annually, not exceeding three mills on the dollar valuation, on the taxable property within any city, affected by this act, in addition to the tax now by law authorized to be levied therein, in such amount as will each year be sufficient, with the net income of such gas-works, to pay the principal and interest as they become due upon such bonds, and provide a sinking fund for the gradual redemption of such bonds. Levy of tax.

SECTION 7. All moneys so applicable to the payment of such bonds, which shall come into the hands of the trustees of gas-works, before such bonds or any of them become due, shall be used to purchase such bonds or invested under the order of the common council of such cities, and the bonds so purchased or the evidences of the investments so made shall be delivered by said gas-works trustees, as soon as the transaction is completed, to the common council of such city, who shall place the same to the credit of said bonded debt, and use the same as required, for the extinguishment of the debt created under this act, and for no other purpose. Duty of trustee.

SECTION 8. If any election hereinbefore provided for shall appear by the returns thereof to be in favor of the issue of such bonds, the mayor of such city shall certify such fact, under the seal of such city, to the governor of the state of Ohio, who thereupon shall appoint for such city a board of trustees composed of five citizens of said city, no more than three of whom shall belong to one political party, one of whom shall be appointed for one, one for two, one for three, one for four, and one for five years. And the board so appointed shall have charge of the purchase, construction and management of the gas-works provided for by this act for such city, and shall hold their offices until their successors are appointed and qualified. Any vacancy occurring in such board, prior to the next general or municipal election, shall be filled by appointment by the governor of the state of Ohio, subject to approval by the senate, if in session. Trustees to be appointed by governor.

SECTION 9. In case the first election held under the provisions of this act shall result against the issue of the bonds herein provided for, the common council of any such city may at any time after the lapse of six months from such election, upon petition signed by at least fifty of the tax-payers of any

When second election may be ordered.

such city, pass an ordinance providing for the submission of such question to a vote at the next general or special municipal election to be held therein. Such election shall be held and its results shall have the force and effect in all respects hereinbefore prescribed for the first election.

SECTION 10. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 128.]

AN ACT

To amend section 6306 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6306 of the Revised Statutes of Ohio be amended so as to read as follows:

Sale of real estate by guardian of idiot, imbecile or lunatic.

Sec. 6306. Whenever the sale of the real estate of such ward is necessary for his support or the support of his family, or the payment of his debts, or such sale will be for the interest of such ward or his children, the guardian may sell the same under like proceedings as are or may be required by law to authorize the sale of real estate by the guardian of a minor; or if it be more for the interest of such idiot, imbecile, or lunatic or his children, the probate court, upon the petition of the guardian, may authorize him to sell said real estate at private sale, either in whole or in parcels, and upon such terms of payment as shall be prescribed by the court. The petition shall contain a pertinent description of the real estate proposed to be sold, a statement of its value as nearly as can be ascertained, and the facts on which the application is founded; and if, upon hearing, the court shall be satisfied that it will be more for the interest of the ward that said real estate should be sold at private than at public sale, the court may make an order authorizing said sale, and prescribing the terms thereof, first taking from said guardian a sufficient bond for the faithful performance of his duty in the premises, and for accounting for the proceeds of all sales made under said order; provided, however, that the guardian shall not be authorized to sell the real estate at private sale for less than its full appraised value; and if the ward have a husband or wife, such husband or wife shall be made a defendant to the petition, and if he or she file an answer consenting to the sale, free and discharged of all right and expectancy of dower therein, such answer shall, on the sale being confirmed, be a full release of his or her expectancy of dower, and unless in such answer an allowance in

lieu of dower be waived, the court shall allow, out of the proceeds of the sale, such sum in money as is the just and reasonable value of his or her expectancy of dower; and in addition to the husband or wife of such ward, all persons entitled to the next estate of inheritance in such real estate shall be made defendants to the petition and notified of the pendency of such proceedings in such manner as the court may direct.

SECTION 2. Said section 6306 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[Senate Bill No. 129.]

AN ACT

- To amend section 6282 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6282 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 6282. Upon such petition being filed, verified by the oath of the guardian, the court shall order the petitioner to give notice to his ward, to the husband or wife of such ward, and to all persons entitled to the next estate of inheritance in such real estate, who shall be defendants to the petition of the filing and demand thereof, and the time when the same shall be heard, in such manner as to the court shall seem reasonable and proper; but only the ward and husband or wife of such ward need be so notified or made defendants, unless the said estate came to such ward by devise, descent or deed of gift from an ancestor, and if such ward has then living a brother or sister of the half-blood and of the blood of such ancestor, or their legal representatives; and in such proceeding the right and expectancy of dower of the husband or wife of such ward in such premises, may be released in the manner and otherwise treated and dealt with as is provided in section 6306 of the Revised Statutes.

Notice of filing,
etc.

SECTION 2. Said section 6282 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[Senate Bill No. 434.]

AN ACT

To amend sections 2487 and 2488 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two thousand four hundred and eighty-seven and two thousand four hundred and eighty-eight be amended so as to read as follows :

Trustees of gas
works.

Sec. 2487. When such purchase shall have been made, or gas works erected, or authorized to be erected, at the expense of the corporation, the council shall appoint a board of trustees, of not more than five (5) nor less than three members, which shall construct said gas works according to plans and specifications to be furnished by the city council, and manage said gas works when they shall have been constructed, or purchased, and supply the corporation and citizens thereof with gas; and the trustees shall serve until their successors are elected and qualified, as hereinafter provided.

To be elected
at annual
election.

Sec. 2488. At the annual election occurring next after such purchase, or the completion of gas works erected at the expense of the corporation, the qualified voters of the corporation shall elect said trustees, to be known as "The Trustees of the Gas Works," who shall hold their office for a term of years corresponding to the number of the members constituting said "trustees of gas works," except that at the first election, when said board of trustees is composed of three members, one trustee shall be chosen for one year, one for two years, and one for three years; and thereafter one trustee shall be elected annually. When said board is composed of four members, then at said first election one trustee shall be chosen for one year, one for two years, one for three years, and one for four years; and thereafter one trustee shall be elected annually. When said board is composed of five members, then at said first election, one trustee shall be chosen for one year, one for two years, one for three years, one for four years, and one for five years; and thereafter one trustee shall be elected annually. And the trustees shall receive such compensation for their services as the council by ordinance shall fix. Said trustees shall qualify by taking the official oath, and each giving a bond acceptable to the city council, which bond shall be in a sum not less than twenty-five thousand dollars nor more than fifty thousand dollars, as shall be determined by council in the ordinance creating the said trustees of gas works.

SECTION 2. The said original sections 2487 and 2488 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed March 18, 1889.

[Senate Bill No. 469.]

AN ACT

To authorize cities of the first class, second grade, to advertise for proposals for dredging and enter into contract for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the first class, second grade, is hereby authorized and empowered to cause proposals to be advertised for, for dredging any navigable stream within the limits of such city, for a period not exceeding five years, and are authorized to enter into a contract for such dredging for one or more years, not exceeding five; provided, that the amount expended each year for dredging shall not exceed the current revenue for such purposes in each year.

Cities, first class,
second grade,
may contract
for dredging
navigable
streams.

SECTION 2. The certificate of the city auditor shall not be required upon such contract, as provided for in section 2702 of the Revised Statutes, if the same shall be for five years; and whenever any levy for dredging has been made in accordance with law, the money to arise therefrom shall be deemed in the treasury for such purpose, within the meaning of section 2702.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 836.]

AN ACT

To amend section 5134 of the Revised Statutes of Ohio, as amended April 29, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5134 of the Revised Statutes, as amended April 29, 1885, be amended to read as follows:

Sec. 5134. Cases in which there is an issue of fact, or in which damages are to be assessed, shall be tried in the order in which they stand on the trial docket, unless by the consent of the parties, or by the order of the court they are continued or placed at the heel of the docket, or for good cause shown may be especially assigned for trial or hearing out of their regular order, and actions for wages shall be first in order for trial, but the court may assign for trial the cases triable to a jury, in a series, in the order in which they stand upon the docket, giving

The order in
which cases are
to be heard.

preference always to actions for wages and cases not triable to a jury, in a series in like manner. All other cases shall be heard in the order in which they stand upon the trial docket, unless the court otherwise directs, and the court may at any time hear a motion or demurrer, and may by rule prescribe the time of hearing motions and demurrers; provided, that in any subdivision where there are two or more judges, one of whom for any cause, shall be disqualified to hear or try any of the causes upon such trial docket, such causes may be assigned for trial or hearing in a series in the order in which they stand upon the docket, by a judge not disqualified to try the same, and may be tried and heard in like order.

SECTION 2. That said section 5134 of the Revised Statutes, as amended April 29, 1885, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed March 18, 1889.

[House Bill No. 841.]

AN ACT

To amend section 4889 of Revised Statutes, as amended April 2, 1886 (O. L. vol. 83, p. 63).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4889 of the Revised Statutes, as amended April 2, 1886, be amended so as to read as follows:

Townships in
certain
counties made
road districts.

Sec. 4889. Each township in the counties of Belmont, Brown, Butler, Carroll, Champaign, Clinton, Columbiana, Cuyahoga, Darke, Delaware, Erie, Fayette, Franklin, Geauga, Greene, Hamilton, Harrison, Henry, Licking, Lucas, Madison, Montgomery, Muskingum, Ottawa, Preble, Ross, Shelby, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington, Warren and Wayne in which any such free road is located, shall be a road district for the care and maintenance thereof.

SECTION 2. Said section 4889, as amended April 2, 1886, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed March 18, 1889.

[House Bill No. 940.]

AN ACT

To amend section 4645 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4645 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4645. The principal petitioner, or the county auditor, shall give at least six days' notice, in writing, to the owner, or his agent, if residing within the county, or, if such owner be a minor, idiot, or insane person, to the guardian of such person, if a resident of the county, through whose land the road is proposed to be laid out and established, or through whose land the road which it is proposed to alter or vacate may have been previously established, and also six days' notice to the viewers and surveyor, named in the order of the commissioners, of the time and place of meeting, as specified in the order, and of the day by which claims for compensation must be filed; and the county auditor, if the road is proposed to be laid out, altered, or vacated on any lands owned by a non-resident of the county, shall cause a notice to such non-resident to be published, for four consecutive weeks, in some newspaper published in such county; but if there be no newspaper published therein, then in some newspaper in an adjoining county to that in which the lands sought to be affected by the road are situated, which notice shall state the time and place of the meeting of the viewers and surveyor, as specified in the order of the commissioners, and also the substance of the petition.

Notice to land
owners

SECTION 2. That the said section 4645 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed March 18, 1889.

[House Bill No. 1011.]

AN ACT

To amend section 83 of the Revised Statutes of Ohio, as amended March 14, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 83 of the Revised Statutes of the state of Ohio, as amended March 14, 1888, be so amended as to read as follows:

Commissions
issued by the
governor:—to
whom.

Sec. 83. Each judge of the supreme court, circuit court, court of common pleas, and probate court, state officer, county officer, militia officer and justice of the peace, and each officer whose office is created by law, and not otherwise provided for, shall be entitled to receive from the governor a commission to fill such office, upon producing to the secretary of state a legal certificate of his being duly elected or appointed. And as soon after any election for any county officers, or justices of the peace, as the result shall have become officially known to the clerk of the court of common pleas of any county in this state, he shall immediately forward, by mail, to the secretary of state, certificates of the election of such county officers or justices of the peace; and thereupon the governor, upon the filing of such certificates with the secretary of state, shall issue the proper commissions to the county officers or justices of the peace, and forward the same to the clerk of the court of common pleas, who shall deliver the same to such officers.

SECTION 2. Section 83 of the Revised Statutes, as amended March 14, 1888, be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 1058.]

AN ACT

To amend section 1939 of the Revised Statutes of Ohio, as amended March 18, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1939 of the Revised Statutes of Ohio, as amended March 18, 1887, be so amended as to read as follows:

Compensation
and salaries.

Sec. 1939. The following officers of the police force shall receive the following salaries per annum: The superintendent, not less than twenty-two hundred and ten dollars, and not more than thirty hundred dollars; and deputy superintendent, not less than fifteen hundred and sixty dollars, and not more than twenty hundred dollars; each captain, not less than fourteen hundred and sixty dollars, and not more than eighteen hundred dollars; each lieutenant and detective, not less than ten hundred and sixty and not more than fifteen hundred dollars; each sergeant, not less than ten hundred and ten dollars, and not more than thirteen hundred dollars; each patrolman, not less than nine hundred dollars, and not more than twelve hundred dollars. Provided, the board shall have power to appoint one or more of the patrolmen to the

superintendent of police or secretary of the board, who shall receive the salary and rank of sergeants. The pay in all cases to be fixed by the board, and the salaries to be paid monthly to the persons entitled thereto. Provided, further, the board may also appoint not more than two women to be detailed at the central station to perform such duties as may be assigned to them by said board. The appointment and salary of such women to be governed by the rules and regulations governing the appointment and salary of doormen of the police department.

SECTION 2. That original section 1939, as amended March 18, 1887, is hereby repealed.

SECTION 3. This act shall take effect on its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed March 18, 1889.

[House Bill No. 1071.]

AN ACT

To amend an act passed April 15, 1882 (79 v. 115), "To provide for the election of boards of managers of county agricultural societies."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said original act be amended to read as follows:

That in counties having at the last federal census a population of thirty-six thousand, one hundred and seventy-eight (36,178), the agriculture society shall be governed by a "board of managers," consisting of two members from each township in the county, and shall be styled "the county agriculture board."

Providing for board of managers of agriculture societies in certain counties.

SECTION 2. That at the annual fall election, held in such counties, for the election of the state and county ticket, there shall be elected in each township of such counties, by the qualified electors thereof, one (1) member of the agriculture board; and that annually thereafter there shall be elected in each township one member of the agriculture board, who shall hold his office for two years, and until his successor is elected and qualified.

Election of.

SECTION 3. The election of members of the agriculture board shall be governed in all respects by the same laws governing the elections of other township officers, and the township clerk shall issue notices of election to such members elect as required by law for other township officers. Each person receiving such notice of election, shall, within ten days thereafter, appear before some officer authorized to administer oaths, and take an oath to faithfully perform the duties of the office; and the officer administering such oath shall issue a certificate of qualification to the officer so qualified.

Qualification.

Organization
of board.

SECTION 4. That the members so elected and qualified shall, annually, on the second Saturday of January, at two (2) o'clock P. M., next after their election, meet at the secretary's office on the agricultural grounds, or some other place centrally located in the county, of which due notice shall be given by the secretary of the agricultural society, and there proceed to elect one president, one vice-president, one secretary, one treasurer; such officers to serve one year, and until their successors are elected and qualified. The president and vice-president so elected shall be members of the board.

Powers.

SECTION 5. The agriculture board, when so organized, shall supersede the incumbent county agricultural board, and shall have all the power, and be governed by such laws and regulations as govern county agriculture societies.

Vacancies.

SECTION 6. All vacancies occurring in said board shall be filled by appointment by said board until the next annual election, when the same shall be filled in the same manner as in the original election of members thereof.

SECTION 7. That said original act, be and the same hereby is repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 1177.]

AN ACT

To amend sections 1 and 4 of an act "to create and perpetuate a board of trustees of the firemen's pension [fund]; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class and of the third grade of the second class," passed March 16, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 4 of the above entitled act be made to read as follows:

Board of trustees of firemen's pension fund in certain cities.

Sec. 1. That the persons who, from time to time, compose the board of fire commissioners, or such other board or commission of the city council of any city of the fourth grade of the second class, having a population at the last federal census or any subsequent census of not more than 9,603 nor less than 9,598, or the third grade of the second class, or the third grade of the first class, having control or management of the fire department of such city, and three other persons, members of the fire department therein, elected as hereafter provided, and shall be called "the board of trustees of the firemen's pension fund."

Sec. 4. That the county treasurers of counties containing a city or cities of the fourth grade of the second class, having a population at the last federal census or any subsequent census of not more than 9,603 nor less than 9,598, or a city of the third grade of the second class, or a city of the third grade of the first class, shall, semi-annually, at the time of their semi-annual settlement with the auditors of their respective counties, pay over to the treasurers of such cities, on the warrant of the county auditor, one-half of the taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government and doing business in any such city, on the gross receipts of every such insurance company under and by virtue of the provisions of section 2745 of the Revised Statutes, and during the half year preceding such semi-annual settlement, and the money so paid over to such city treasurer shall, together with the amount heretofore so paid, constitute a pension fund for the purposes and objects hereinafter set forth.

Tax on foreign insurance companies to be paid to fund.

SECTION 2. That original sections 1 and 4 of the act, to which this is amendatory, be and the same are hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 10.]

AN ACT

To amend section 4413 of the Revised Statutes of Ohio, as amended March 26, 1886 (vol. 83, p. 42).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4413 of the Revised Statutes, as amended March 26, 1886, be so amended as to read as follows:

Sec. 4413. Any person who purchases, sells, exchanges, or receives second-hand furniture, second-hand articles of any kind, scrap-iron, old metal, canvas, rope, junk or lead pipe, except plow irons and old stoves, and furniture, shall put up in a conspicuous place, in or upon his shop, store, wagon, boat, or other place of business, a sign, having his name and occupation legibly inscribed thereon, and shall keep a separate book open to inspection by any member of any police force, city marshal or constable, or any other person, in which shall be written, in the English language, at the time of every purchase or exchange of any of the articles above mentioned, a descrip-

Proprietor to put up sign, and keep book containing description of second-hand articles purchased.

tion thereof, the name, description and residence of the person from whom purchased and received, and the day and hour when such purchase or exchange was made; each entry shall be numbered consecutively, commencing with number one, and any and all of such articles so purchased or exchanged, shall be retained by the purchaser thereof for at least thirty days before disposing of the same, and kept in an accessible place in the building where such articles are purchased or received, and a tag attached to such article in some visible and convenient place, with the number written thereon corresponding to the entry number on the book. And any such purchaser shall prepare and deliver every day to the mayor of the city in which such business is carried on, before the hours of twelve o'clock m., a legible and correct copy, written in English, from such book, a description of all such purchases, purchased or received during the preceding day, together with the hour at which the purchase or purchases were made, together with a description of the person or persons from whom the same was purchased.

SECTION 2. That section 4413 of the Revised Statutes of Ohio, as amended March 26, 1886 (vol. 83, p. 42), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 445.]

AN ACT

To amend supplementary section 2573b of the Revised Statutes of Ohio, passed April 4, 1884.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supplementary section number 2573b of the Revised Statutes of Ohio, passed April 4, 1884, be so amended as to read as follows:

Inspector to
have free access
to all shops and
factories.

Sec. 2573b. That said inspector shall have entry into all such shops and factories, including all public institutions of the state which have shops and factories, or either, at any reasonable time, and it shall be unlawful for the proprietors, agents or servants in such factories or shops to prevent, at reasonable hours, his entry into such shops and factories for the purpose of such inspection.

SECTION 2. Said supplementary section number 2573b, passed April 4, 1884, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1045.]

AN ACT

To amend section 6454 of the Revised Statutes, as amended April 13, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6454 of the Revised Statutes of Ohio, as amended April, 13, 1888 (vol. 85, page 227), be amended so as to read as follows:

Sec. 6454. The probate court shall have jurisdiction concurrent with the court of common pleas, in all misdemeanors, and in all proceedings to prevent crime, in the following counties: Cuyahoga, Lake, Lucas, Montgomery, Erie, Richland, Scioto, Holmes, Meigs, Henry, Belmont, Stark, Ottawa, Williams, Allen, Wood, Sandusky, Darke, Wyandot, Coshoc-ton, Defiance, Portage, Clermont, Carroll, Gallia, Hocking, Brown, Lorain, Columbiana, Madison, Clinton, Shelby, Geauga, Mahoning, Jefferson, Monroe, Hancock, Adams, Highland, Licking, Knox, Miami, Fayette, Perry, Tuscarawas, Guernsey, Paulding, Greene, Lawrence, Crawford, Ashland, Washington, Athens, Pike, Summit, Hardin, Delaware, Morgan, Trumbull, Logan, Morrow, Muskingum, Marion, Warren, Pickaway, Seneca, Ross, Butler, Huron, Jackson, Van Wert and Union.

Concurrent
jurisdiction of
probate court;
in what
counties.

SECTION 2. That section 6454, as amended April 13, 1888 (v. 85, p. 227), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1061.]

AN ACT

To provide for the election of officers in municipal corporations which have failed to elect any for one or more years, and are now without any officers.

Providing for
the election of
officers in cer-
tain munic-
ipalities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever there has been in any municipal corporation, a failure to hold an election for municipal officers for such corporation for one or more years, so that such corporation is now without any officers whatever, it shall be lawful for the qualified voters of such municipal corporation to hold an election to fill the vacancies that exist in the elective offices of such corporation. Such election shall be held upon the first Monday of April, next after the passage of this act, between the hours of eight o'clock a. m. and four o'clock p. m., at the township hall within such corporation, if there be one, and if not, then at some other place within the corporate limits. The voters of said corporation who meet to open the polls of such election shall select by a viva voce vote the judges and clerks of such election, who shall be sworn to perform their duties as such by any officer authorized to administer oaths, and shall conduct said election according to the ordinary mode of holding elections in other such corporations; and the said judges and clerks who shall canvass said vote and declare the result, shall certify under their hands who have been elected to fill the different offices of such corporation, and no further or other returns shall be necessary in order to make the election of said officers legal. That thereupon said officers shall qualify, and enter upon the discharge of their duties, the same as if they had been regularly elected to fill said offices at said election, and shall hold their offices for the full term thereof, under the laws as they then exist as to such offices. That at the first meeting of the council of such corporation, the members elected shall take the oath now provided for members of councils of such corporations, which may be administered by any one authorized to administer oaths, and they shall then be called to order by the older member, and he shall preside until the council shall be organized by the election of officers now provided by law for such councils; and thereafter such councils, and the officers elected of such corporation shall have the same powers, and be in all respects governed by the same provisions of the statutes as other councils and officers of municipal corporations, when no such vacancies exist.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1063.]

AN ACT

To amend section 1530 of the Revised Statutes of Ohio, relative to the salary of township trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1530 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1530. Each trustee shall be entitled to one dollar and fifty cents for each day's service in the discharge of his duties in relation to partition fences, to be paid in equal proportions by the parties; and one dollar and fifty cents for each day's service in the business of the township, to be paid out of the township treasury; but in no year shall the compensation of any trustee exceed one hundred and fifty dollars, to be paid out of the treasury, including services in connection with the poor; provided, that in any township of the state having a population at the last federal census, in 1880, and which at any subsequent federal census may have a population of 21,175, and not having a city infirmary therein, the compensation of any trustee of such township, at one dollar and fifty cents for each day's service, shall not exceed two hundred and fifty dollars in any one year, to be paid out of the treasury, including services in connection with the poor.

Compensation
of trustees.

SECTION 2. That section 1530 of the Revised Statutes is hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1124.]

AN ACT

To amend section 2274 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2274 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2274. That when the council of a city, except in cities of the first grade of the first class, and in cities of the first grade of the second class, determines to grade, pave, or otherwise improve a street, alley, or other public highway, and the improvement crosses or intersects another street, alley, or public highway, the council shall levy and assess a tax, in addition to that specified in the last section, upon the general tax list of all the taxable real and personal property in the corporation, for the estimated cost and expense of so much of the improvement as may be in-

As to intersec-
tions.

cluded in the crossing or intersection of such street, alley, or highway, which amount the corporation clerk shall certify to the county auditor, and the same shall be enforced against such real and personal property as other taxes are enforced and collected; and such amount may be so certified, and such levy made, after the contract is let, or said improvement completed, and the provisions hereof shall apply to improvements already determined upon or ordered and for the payment of which special assessments have not been made.

SECTION 2. That said original section 2274 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[Senate Bill No. 147.]

AN ACT

To fix responsibility and to protect labor and the rights of contractors and sub-contractors on all public works or work done for companies, corporations, contracting companies or individuals.

Lien upon railroad, etc., for labor performed or material furnished.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person who shall have performed common or mechanical labor upon, or furnished supplies to any railroad, turnpike, plank road, canal or on any public structure being erected, or on any abutment, pier, culvert or foundation for same, or for any side track, embankment, excavation or any public work, protection, ballasting, delivering or placing ties, or track-laying, whether the labor is performed for, or the supplies or material is furnished to any company, corporation, contractor or sub-contractor, construction company or an individual, shall have a first, immediate, and absolute lien on the whole of the property on which said work is done, and to which said supplies have been contributed, and shall hold the railroad, canal, turnpike, plank road or structure to the creation or construction of which the said labor or supplies has been contributed, or so much thereof as may have been in whole or in part created by said labor or supplies, to the exclusion of any railroad, canal, turnpike, plank road, public work or structure, as to operation, occupation or use, until the claim for such labor or supplies is properly adjusted and paid in full.

How lien obtained.

SECTION 2. When it shall be deemed necessary for any construction company, contractor, sub-contractor, mechanic, laborer, or person contributing supplies or material to secure their claim against any railroad, canal, turnpike, plank road, public work or public structure, either for work done or

material furnished, they shall file a sworn itemized statement, within thirty days after said work was performed or materials furnished, of the amount of work done or material furnished, showing the balance due and claimed for labor or material furnished, with the recorder of the county or counties within which said work was done or materials furnished. And if several liens be obtained by several persons on the same job, in the manner prescribed by this act, they shall have no priority among themselves, but payments thereon shall be made pro rata.

SECTION 3. Any construction company, contractor, mechanic, laborer or person contributing supplies or material to any work named in section one (1) of this act, shall at the time of filing the sworn statement of account as provided in section two (2) of this act, file a good and sufficient bond of indemnity for an amount equal to the amount claimed, which bond shall be approved by the probate judge, and shall be so conditioned as to save and protect the defendant in any case arising under this act, and shall then be entitled to a decree of the common pleas court, enjoining and prohibiting the operation, use or occupancy of the property created in whole or in part by the party or parties asking for said injunction; and the said injunction shall not be dissolved until the court is satisfied that the claim has been adjusted and paid in full.

Bond.

When injunction may issue.

SECTION 4. Any civil engineer who shall be employed as chief or assistant engineer in the surveying, platting or cross-sectioning of any railroad, canal, turnpike, plank road or other public road, shall, before the work is commenced, make an accurate measurement of the same, and shall prepare a profile of each section of one mile or less of said work, showing quantities of each any every class of work to be done on said mile or less; and shall also designate the nearest benchmark or point from which measurements are made, and shall drive stakes at top of slope, at foot of embankments, at sides and center of grade and around every burrow pit for each one hundred feet, showing in plain figures by feet and tenths of a foot the depths of cut or height of fill or embankment, together with a correct showing of the quantity of overhaul beyond a given number of feet, in cubic yards, for each section of a mile or less; and it shall be the duty of such chief or assistant engineer to furnish, on demand, when any work is finished, to any company, contractor, sub-contractor or person a final statement of quantities in each class of work done or supplies or material furnished by parties interested.

Engineer to make measurements, estimates, etc.

SECTION 5. Any civil engineer or assistant engineer, whose duty it is to ascertain quantities from actual measurement, and on which final estimates are to be made, who shall knowingly give other than the true quantities, with intent to defraud the construction company, contractor, sub-contractor, laborer or person furnishing supplies or material, shall, if the amount of the discrepancy exceed at the contract price, thirty-five dollars, be deemed guilty of a felony, and shall be punished by a fine of not less than the amount at contract price of all work done or material furnished and not included in his final

Penalty.

estimate, or be confined in the penitentiary for not less than one or more than five years.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[Senate Bill No. 321.]

AN ACT

To provide for erecting a monument over the graves of the "Andrews railroad raiders," executed at Atlanta, Ga., June, 1862.

"Andrews railroad raiders;" appropriation for monument over graves of.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of five thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to erect in the national cemetery at Chattanooga, Tennessee, a monument or memorial of some suitable design, at the group of graves in which lie the bodies of eight of the "Andrews railroad raiders," so-called, executed at Atlanta, Ga., June, 1862, to-wit:

James Andrews, citizen, late of Flemingsburg, Ky.

William Campbell, citizen, late of Salineville, Columbiana county, Ohio.

George D. Wilson, Company B, Second Ohio Infantry, enlisted at Franklin, Miami county, Ohio.

Marion A. Ross, Company A, Second Ohio Infantry, enlisted at Urbana, Champaign county, Ohio.

Perry G. Shadrock, Company K, Second Ohio Infantry, enlisted at Mitchell's Salt Works, Jefferson county, Ohio.

Samuel Slavens, Company E, Thirty-third Ohio Infantry, enlisted at Portsmouth, Scioto county, Ohio.

Samuel Robinson, Company G, Thirty-third Ohio Infantry, enlisted at Bourneville, Ross county, Ohio.

John Scott, Company K, Twenty-first Ohio Infantry, enlisted at Findlay, Hancock county, Ohio.

Commission to be appointed by governor.

SECTION 2. It shall be the duty of the governor to appoint a commission, consisting of three persons, to carry this act into effect. The commission, or any member thereof, shall be subject to removal at the pleasure of the governor. A majority of the commission is empowered to contract for anything which is deemed essential to the appropriate completion of the work, and to exercise discretion as to the propriety of letting any part of it to the lowest bidder.

Expenses of commission; how paid.

SECTION 3. Money for the payment of bills, including the necessary traveling expenses of a member or the members

of the commission while engaged in the actual execution of this act, shall be paid upon drafts signed by at least a majority of the commission, and shall not exceed in the aggregate the amount of money herein appropriated.

SECTION 4. No part of the money herein appropriated shall be expended in the form of salaries or per diem.

SECTION 5. The commission, from time to time, shall make to the governor a written report, showing each step taken in the progress of the work, and at the close, make a final report in writing, which the governor shall transmit to the general assembly.

Report of
commission.

SECTION 6. This act shall take effect and be in force from and after the date of its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 503.]

AN ACT

Supplementary to chapter 1, title VI, of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where the commissioners of any county in this state shall cause to be constructed or enlarged any ditch, drain, or water-course, the water from which flows into an adjoining county, or into, or finds an outlet in any ditch, drain or water-course constructed in an adjoining county, the commissioners of such first mentioned county shall pay to the commissioners of such adjoining county, such sum as may be agreed upon by the commissioners of both counties for the use and benefit of such outlet, which sum the commissioners of said first mentioned county shall apportion to the lands in their county, for whose benefit said ditch was constructed.

Duty of com-
missioners as
to certain
ditches.

SECTION 2. On failure to agree or pay as provided in the preceding section, the commissioners of such adjoining county may commence in the common pleas court of either of said counties, their action against the commissioners so refusing to agree or pay, setting forth the fact of the construction of the ditch or ditches aforesaid and the failure to agree or pay as provided in the preceding section, and praying for the relief hereinafter provided for.

Providings in
event commis-
sioners can not
agree.

SECTION 3. The court being satisfied of the existence of such ditch or ditches, and the failure to agree or pay as aforesaid, shall appoint three disinterested freeholders, not residents of either of said counties, who shall, within thirty days thereafter, upon actual view of the outlet ditch, and of the ditch

Court to ap-
point commis-
sion to fix
amount to be
paid for use of
outlet.

or ditches in the upper county, whose waters flow into said outlet, estimate and report to said court, the amount which should justly be paid by said first mentioned county to said adjoining county for the use and benefit of said outlet ditch, which order of appointment, together with full and explicit instructions to said appointees, shall be entered on the journal of said court, and a copy thereof sent forthwith by its clerk to each of said appointees.

Exceptions.

SECTION 4. Either of the parties to said action may, within ten days after the filing of said report, file exceptions thereto, which exceptions the court shall hear and determine, and shall confirm, modify, or set aside said report, as justice may require; and if the same be set aside, appoint other freeholders, who shall estimate and report as provided in the preceding section.

Compensation of commission.

SECTION 5. The court shall fix the compensation of the appointees aforesaid, which compensation shall be taxed as costs in the case, and shall be paid out of the treasury of the county against whose commissioners the costs are adjudged.

Expense; how apportioned.

SECTION 6. The court, upon confirmation or modification of the report mentioned in section three of this act, shall order the commissioners of the upper county to apportion and assess the amount mentioned in said report, as confirmed or modified, to the lands in said county in the same ratio as the expense of constructing said ditch or ditches in said upper county was apportioned and assessed; and the court shall further order said commissioners to cause the sums so apportioned to the respective tracts of land in said upper county to be placed on the special duplicate of said county against said lands for collection.

Collection by treasurer.

SECTION 7. The treasurer of said county shall collect said sum as other taxes are collected, and pay the same to the treasurer of the said adjoining county, upon the warrant of the auditor of said county.

Outlet may be enlarged when necessary.

SECTION 8. The funds so paid shall be used in the enlargement of said outlet ditch, if an enlargement thereof be necessary on account of the additional water emptied into it from the upper county, or for the construction of an outlet ditch in the lower county if none exists.

Duty of township trustees.

SECTION 9. Whenever the trustees of any township shall construct a ditch which empties its water onto an adjoining county, or into any ditch, drain or water-course constructed therein, the same agreement hereinbefore provided for between the commissioners of counties may be made and carried out, by and between the commissioners of such adjoining county and said trustees, and on failure to make or carry out such agreement, the commissioners of the county upon or into which said water is emptied, may commence and maintain the same proceedings against said trustees as are hereinbefore provided for between the commissioners of adjoining counties; and the funds to be paid by such trustees to the lower county shall be assessed by said trustees and collected in the manner now prescribed by law for collecting assessments for constructing township ditches.

SECTION 10. All subsequent proceedings for the cleaning out, repairing or enlarging either of said ditches, shall be commenced and conducted in the manner prescribed by law for the construction of joint ditches. Cleaning and repairing.

SECTION 11. This act shall be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 784.]

AN ACT

To amend section 553 of the Revised Statutes, as amended April 14, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and fifty-three (553) of the Revised Statutes, as amended April 14, 1888, be and is hereby amended to read as follows :

Sec. 553. The court of common pleas and circuit court in any county, and the supreme court in any city or county, and the probate court in any county containing a city of the first class, and first grade, and of the second grade of the first class, and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge such other duties as the court requires; and each constable, when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors, except in counties containing a city of the first grade of the first class and of the first grade of the second class, it shall be eight hundred dollars (\$800) per annum, and in counties containing cities of the second grade of the first class, it shall be \$600 per annum, and in counties containing cities of the third grade of the first class, the compensation shall be at the rate of two dollars per day, during the entire term of the court, and in all cases shall be paid out of the county treasury on the order of the court. Court constables, duties and compensation.

SECTION 2. That section 553 of the Revised Statutes, as amended April 14, 1888, be and the same is hereby repealed; and this act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

-Passed March 20, 1889.

[House Bill No. 1109.]

AN ACT

Supplementary to an act entitled "an act to authorize the city council of any city of the second class and fourth grade, which by the federal census of 1880 had, and which by any subsequent federal census may have, a population of 6,803, to borrow money and issue bonds therefor for the purpose of sinking wells for natural gas, purchasing those already sunk, purchasing pipes already laid, and buying and laying pipes and supplying said city and the citizens thereof with natural gas for public and private use."

Authorizing
the issuing of
additional
bonds for nat-
ural gas in cer-
tain cities.

SECTION 1a. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class and fourth grade which may have invested fifty thousand dollars in a natural gas plant under the act to which this is supplementary, when the board of natural gas trustees have reported, in writing, to the city council of any such city that additional gas wells will be necessary to supply all the citizens of said city with natural gas for domestic and manufacturing purposes, said council shall have power and authority to issue an additional amount of bonds of said city, not exceeding twenty-five thousand dollars, at a rate of interest not more than six per cent. per annum. Said bonds shall be in like amounts as the bonds originally issued under this act, not to be sold for less than par value, and to mature at such time as said city council may determine.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 1818.]

AN ACT

To ratify and confirm a contract between the board of public works and the commissioners of Coshocton county.

Ratifying con-
tract between
board of public
works and
commissioners
of Coshocton
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a certain contract made and entered into by and between the board of public works of the state of Ohio and the county commissioners of Coshocton county for the use of the towing path of the Ohio canal between Turkey lock and the mouth of White Eyes creek in said Coshocton county as a public highway, dated March 3rd, 1883, and recorded in the office of said board of public works at Columbus, Ohio, be and the same is hereby ratified, confirmed and declared

to be binding and of full force and effect from this date, so far as said contract has not been executed, as a binding contract between the state of Ohio, by its board of public works, and the county commissioners of said Coshocton county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 744.]

AN ACT

To supplement section 6918 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be enacted as supplementary to section six thousand nine hundred and eighteen of the Revised Statutes of Ohio, with sectional numbering as follows:

Sec. 6918a. Any person serving as a juror in any case pending before a justice of the peace in this state, who shall, knowingly, either directly or indirectly, ask or receive for such service, or any party to such suit who shall, knowingly, either directly or indirectly, pay or consent or agree or offer to pay, or shall, knowingly, consent that there may be paid or taxed in the cost for such service a greater amount than is by law provided therefor, shall be fined not less than five dollars nor more than fifty dollars.

Juror before
justice of the
peace; penalty
for receiving
excessive fees.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 1164.]

AN ACT

To amend sections 1929 and 1930 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections 1929 and 1930 be so amended as to read as follows:

Appointment
of officers and
members of
police force.

Special patrol-
men in case of
emergency.

Secret police
detectives, etc.

Sec. 1929. The board shall have power at any time to appoint a superintendent of the police force, a deputy superintendent of police, a captain of police, and an additional captain for each fifty patrolmen more than the first fifty, a lieutenant of police for each twelve patrolmen, and a sergeant of police for each police precinct and also regular or compensated patrolmen, not exceeding one for each seven hundred and fifty inhabitants; but the number of patrolmen may be increased with the consent of the council, and the board shall have power to appoint patrolmen on probation, and discharge them at any time within six months from the date of appointment; provided, that if demanded by such patrolman, the cause for his discharge shall be assigned him by the board in writing; and the board shall have the power, in case of emergency, to appoint as many special patrolmen as it may think proper, which appointments shall be reported to and be subjected to the action of the city council at its next meeting. The board shall appoint a police surgeon, who shall also be a member of the force, and receive such annual salary, not exceeding ten hundred dollars, as the board may determine; perform such duties as are hereinafter provided and as the board may direct. Provided, that the members of the police force now in office shall not be removed except in the manner provided for by section 1931.

Sec. 1930. The board may, from the members of the force, appoint detectives, not exceeding ten in number, who shall act as secret police or detectives, one of whom shall be detailed as chief detective bearing the rank of captain, and when from any cause a vacancy exists in the number so first appointed, the board may appoint to such vacancy the patrolman, which the record, required to be kept as hereinafter provided, shows to be the most meritorious; and the board may at any time, when they deem it for the greater efficiency of the force, relieve any of said detectives from detective duty and assign them to such position and service in the force as it may deem advisable, and change their pay to the pay of the rank or grade assigned them; provided, however, that no change or removal shall be made, except for cause, to be assigned on a public hearing and on due notice according to the rules to be promulgated by the board; and the board shall also appoint such suitable persons to act as door-men, janitors, attorney of police, and telegraph and telephone operators as the demands of the service may require, who shall receive such compensation as the board may determine, in no case, however, exceeding the salary of patrolmen. All powers and orders of the police court shall be directed to the superintendent of police, and shall be executed by any person appointed for said purpose by the board, and the board shall, from the member [members] of the force, appoint such number of suitable persons as may be necessary to attend the sittings, preserve order, and execute all process and orders of the police court, and such persons shall be the special deputies of the superintendent of police.

SECTION 2. That sections 1929 and 1930, as amended March 7, 1883, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 822.]

AN ACT

To authorize board of public affairs in cities of the first grade of the first class to construct sewers within the corporate limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the first class the board of public affairs, in addition to the powers already possessed by them, with reference to trunk sewers, shall have power to lay out and construct within the limits of such corporation additional trunk sewer or sewers, and to purchase or condemn rights-of-way therefor without the concurrence of council, and shall pay for the same from the fund hereinafter provided for.

Authorizing
cities first
grade, first
class, to con-
struct sewers.

SECTION 2. That to provide funds to meet such expenditure, the board of public affairs in such city may, from time to time, issue the bonds of such city, to an amount not to exceed in the aggregate the sum of three hundred and fifty thousand dollars; said bonds to be payable at such times and to bear interest at such rate, not exceeding four per cent. per annum, as said board of public affairs shall determine. Said bonds shall be signed by the president of such board of public affairs, and the mayor of such city, and be attested by the comptroller of such city, and shall be secured by the pledge of the faith of such city; and a tax which it shall be the duty of the council of such city, annually, to levy upon the taxable property of such city, and certify the same to the county auditor upon a certificate to that effect from the trustees of the sinking fund of such city, as to the amount necessary to pay the interest thereon and to provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amount now authorized to be levied for municipal purposes.

Bonds may be
issued.

SECTION 3. Said board of public affairs shall receive bids for said bonds, from time to time, as may become necessary, and after advertising the same as required by law, shall sell the same for not less than par value, with the accrued interest, to the highest bidder. The money arising from the sale of said bonds shall be placed in the sewer fund in the city treasury, in addition to that already provided by law for such purposes, and shall be drawn out on the order of the board of public affairs, which board shall have sole control of the expenditure of the funds provided for by this act for the purposes

Advertising
for bids for sale
of bonds.

indicated herein; and in making such improvements, the board of public affairs shall be governed by the laws relating to the construction of sewers in such cities.

SECTION 4. This act to be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 22, 1889.

[House Bill No. 1311.]

AN ACT

Making appropriations to pay liabilities incurred by Frederick Blankner, third assistant sergeant-at-arms of the house, in completing water-closets, wash-room, making hot water attachments, carpeting hall of house, etc.

Appropriation
to pay liabilities
incurred
by Frederick
Blankner.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums of money to pay liabilities, as hereinafter particularly mentioned, to-wit:

To pay bill of Bowe & Beggs, for carpets, etc., nine hundred and thirty-three dollars (\$933.00).

To pay bills of David Westwater, repairs of gas fixtures, etc., two hundred and seven dollars and eighty-five cents (\$207.85).

To pay bills of Aston & Huff, for material and labor, one hundred and thirty-eight dollars and fifty cents (\$138.50).

To pay bill of William Goodal & Son, marble work in water-closets, one hundred and sixty-one dollars and fifty cents (\$161.50).

To pay bills of J. S. Abbott & Co., hardware, etc., two hundred and fifteen dollars and fourteen cents (\$215.14).

To pay Kelton & Brown, bill for lumber, labor, etc., for water-closets, one hundred and eighty-nine dollars and seventy-nine cents (\$189.79).

To pay Thomas G. Neski & Co.'s bills for labor, material, etc., for wash stand, water heater, etc., seven hundred and fifty-six dollars and ninety-four cents (\$756.94).

To pay Ohio Furniture Co.'s bill of sundries, from December 10, 1888, to January 8, 1889, inclusive, one hundred and seventy-five dollars and seventy-five cents (\$175.75).

To pay Slade & Kelton's bill for lumber and repairing platforms, house and senate, etc., one hundred and forty-nine dollars and forty-one cents (\$149.41).

Freeman, Halm & McAllister, bill of furniture and repairing furniture, one hundred and twenty-eight dollars and eighty-one cents (\$128.81).

To pay bill of John Flowers, for 21½ days' labor at carpenter work, at \$2.50 per day, in wash-room, water-closets, etc., fifty-three dollars and seventy-five cents (\$53.75).

To pay Homer M. Woodard's bill of marble, tile, and labor repairing floor in wash-room, seventy-five dollars and nine cents (\$75.09).

Krauss & Meehan's bill for dyeing and lambrequins behind speaker's chair, etc., thirty-eight dollars and fifteen cents (\$38.15).

George A. Gauler, bill for iron work, labor, material, etc., about water-closets, fifty-three dollars and nine cents (\$53.09).

To pay Walter Smith, 14½ days, at \$2.50 per day, varnishing, and painting wash-rooms, committee rooms, etc., thirty-six dollars and twenty-five cents (\$36.25).

To pay bill of A. H. Kuhn, painting, graining and varnishing wash-room, twenty-five dollars (\$25.00).

To pay Moler & Bowland, bill of towels, thirty-one dollars and eight cents (\$31.08).

To pay Halm & Bellows Furniture Co., sixteen slide doors on cases, twenty-eight dollars and forty-nine cents (\$28.49).

To pay W. R. Kinnear & Co., labor and material on repairing the brass protection around platforms in house and senate, thirty-five dollars and ninety-five cents (\$35.95).

To pay W. R. Calkins & Brother, material and labor on water-closets, etc., twenty-three dollars and eighty-five cents (\$23.85).

To pay R. E. DeButts, repairing locks, keys, etc., twenty-four dollars and fifty-five cents (\$24.55).

To pay J. C. Blair, repairing chairs, etc., twenty-five dollars and fifty cents (\$25.50).

To pay G. T. Tress, bill of cleaning and winding clock, etc., fifteen dollars (\$15.00).

To pay William Taylor, bill of sundries, eleven dollars and five cents (\$11.05).

To pay S. H. Helmer, towel racks, etc., eight dollars and seventy-five cents (\$8.75).

To pay R. W. Bock, door-plates, five dollars and fifty cents (\$5.50).

To pay Cherrington & Robinson, number plates for doors, four dollars and fifty cents (\$4.50).

To pay James Clark, repairing plastering in wash-room and hall of house, nineteen dollars and fifty cents (\$19.50).

To pay J. B. Lewis, forty-six days' labor as porter, at \$2.00 per day, ninety-two dollars (\$92.00).

To pay George Riley, twenty-four days' labor as porter, at \$2.00 per day, forty-eight dollars (\$48.00).

To pay J. T. Harris, fees as architect, twenty-five dollars (\$25.00).

SECTION 2. The moneys appropriated by this act, to be paid out on vouchers to be filed with the auditor of state, which vouchers shall be approved by said Frederick Blankner, third assistant sergeant-at-arms.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 22, 1889.

[Senate Bill No. 240.]

AN ACT

That section 3835f be added to the Revised Statutes of Ohio, to read as follows: To permit corporations known as building associations to increase or decrease the face value of its shares, also to decrease its capital stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3835f be added to the Revised Statutes of Ohio, to read as follows:

Authorizing
building as-
sociations to
increase or de-
crease face
value of shares.

Sec. 3835f. Corporations organized under section 3833, 3834, 3835a, 3835b, 3835c, 3835d, 3835e and section 3836 (83, O. L., pp. 116 and 117), passed May 8, 1886, may increase or decrease the face value of its shares, or decrease its capital stock by a vote of its board of directors, a majority of the members of such board of directors voting in favor thereof; and a certificate of such action of the board of directors shall be filed with the secretary of state.

SECTION 2. That this act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 22, 1889.

[Senate Bill No. 266.]

AN ACT

Supplementary to section 3787 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3787 be supplemented by the following, numbered 3787a and 3787b.

Sec. 3787a. All money derived from the sale of any property under the provisions of original section and section 3787 shall be placed in the custody of the trustees of the presbytery, synod, conference, diocese, or other ecclesiastical body having jurisdiction in the territorial limits in which said property may have been located, and they shall hold the same in trust for the period of ten years, or for such period as may be prescribed by the law of the denomination. If within that time another parish, congregation or society of the same denomination shall be organized in the same locality, then the court authorizing the sale of said property, may, upon proper application and evidence, authorize the return of said money to the trustees of the new organization. Otherwise such money shall become a part of the funds of the presbytery, synod, conference, diocese, or other ecclesiastical body having jurisdiction.

Trustees of extinct parish, congregations, etc.; duty as to money received from sale of property.

Sec. 3787b. Be it further enacted, that all sums of money arising from the sale of property formerly belonging to any extinct parish, congregation or society, and which are now held by special trustees appointed by the courts authorizing sale of such property, shall be, from and after the passage of this act, under the control of the trustees of the presbytery, synod, conference, or other ecclesiastical body to which said extinct parish, congregation or society may have belonged, and shall be held by them subject to the conditions and provisions of this act; and said trustees are hereby authorized to take such steps, legal or otherwise, necessary to obtain possession of such money.

Funds arising from such sale to be under control of presbytery, synod, etc.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 22, 1889.

[Senate Bill No. 435.]

AN ACT

To amend section 3481 of the Revised Statutes of Ohio, as amended April 17, 1882 (79 v. 148).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirty-four hundred and eighty-one (3481) of the Revised Statutes of Ohio, as amended April 17, 1882, be amended so as to read as follows:

Sec. 3481. Every company entitled by the laws of this state to charge tolls may receive from persons traveling on or using its roads the following tolls, and no more, for every ten miles travel on such road, and in the same proportion for any

Rates of toll.

less distance, to-wit: For every four-wheeled carriage or other vehicle, drawn by one horse or other animal, fifteen cents, and for each additional animal, five cents; for every sled or sleigh drawn by one horse or other animal, five cents, and for each additional animal, five cents; for every horse or mule, and rider, five cents; for every horse, mule or ass, six months old or upward, three cents; for every head of neat cattle, six months old or upward, one cent; for every head of sheep or hogs, one-half cent; for every stage-coach or omnibus, drawn by two horses or other animals, twenty cents, and for each additional animal, ten cents; and for every two-wheeled carriage, drawn by one horse or other animal, ten cents, and for each additional animal, five cents; but on all turnpike roads constructed of and kept in repair with two-thirds broken limestone, the companies operating the same may charge and receive for each ten miles travel on such road, and in the same proportion for any less distance, to-wit: For every four-wheeled carriage or other vehicle, drawn by one horse or other animal, twenty cents, and for each additional animal, ten cents; for every sled or sleigh, drawn by one horse or other animal, ten cents, and for each additional animal, five cents; for every horse or mule, and rider, ten cents; for every horse, mule or ass, six months old or upward, five cents; for every head of neat cattle, six months old or upward, one and one-half cents; for every head of hogs, three-fourths of a cent; for every head of sheep, one-half cent; for every stage-coach or omnibus, drawn by two horses or other animal, thirty cents, and for each additional animal, ten cents; and for every two-wheeled carriage, drawn by one horse, fifteen cents; but persons going to and from their regular place of worship on the Sabbath, or to and from funerals, militia musters, or elections, jurymen going to and returning from their attendance at court, and the troops and armies of the United States and of this state, may pass on any such roads free of toll; [and] a company incorporated for the purpose of constructing a turnpike or plank road from a mine or quarry to a railroad, canal, slack-water navigation, or other navigable water, macadamized road, or place within or upon the borders of this state, may, when such road is completed, charge and collect such amount of toll for teams hauling the products of such mines or quarries on its road as its directors may determine, not exceeding four cents per mile for two-horse teams, and an increase of two cents per mile for each additional horse; but such rates shall not be charged for teams hauling the products of such mines or quarries for more than eight miles, nor shall other travelers on such roads be charged more than the ordinary rate of toll per mile, as allowed by section thirty-four hundred and eighty-one; provided, that for any vehicle traveling over a plank road, having a load exceeding two tons net weight, toll shall be paid in addition to the rates prescribed in this section, not to exceed two cents per net ton per mile for such excess, at the discretion of the board of directors; and, provided further, that in case of persons traveling on or using any portion of any such road or any other toll road without passing through a toll-gate, the company

owning the road may, for the mutual convenience of parties concerned, charge and collect of such persons an equitable gross sum, quarterly, in lieu of all other tolls.

SECTION 2. That said original section three thousand four hundred and eighty-one, as amended April 17, 1882, be and the same is hereby repealed; and this act shall take effect and be in force upon its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 22, 1889.

[House Bill No. 839.]

AN ACT

To provide for the better protection of human life against fire, and to regulate the construction and management of steam boiler furnaces in cities of the first and second grades of the first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all buildings, except such as are used exclusively for private residences, in every city of the first and second grades of the first class, of three or more stories in height, shall each be provided with one or more good and suitable fire-escapes, extending from the first story to the upper stories of such building, and above the roof and on the outer walls thereof, in such location and numbers, and of such material and construction as will insure safe and convenient exit for all occupants of any such building in case of fire, and all passage ways leading to such fire-escapes shall at all times be kept open and free from obstruction, and any person in any manner obstructing the same, or causing the same to be obstructed, shall be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and for any subsequent offense he shall be fined not less than one hundred dollars nor more than two hundred dollars, and be imprisoned in the work-house for a period of not less than ten nor more than sixty days.

Fire-escapes
in cities of the
first and second
grades of
the first class.

Penalty for
obstructing
the same.

SECTION 2. No building within the limits of any city of the first grade of the first class shall be used or occupied in whole or in part as a planing mill, sash, door and blind manufactory, wagon or carriage manufactory, cabinet or furniture manufactory, wood-turning or veneering works, agricultural implement manufactory, box or shingle manufactory, or any other wood-working manufactory, two or more stories in height, unless such building so occupied shall have in connection with it a brick or fire-proof vault of sufficient capacity to contain all shavings, saw-dust, chips or other light combustible refuse connected therewith; and all such shavings, saw-dust, chips and other light combustible refuse shall be removed daily from such premises to such vault.

Fire-proof
vault to be
provided in
mills and fac-
tories in cities
of first grade,
first class.

Permits to use
certain portion
of buildings to
be issued;
when.

SECTION 3. No person shall hereafter, either as owner, lessee or agent, use or occupy, or permit the occupation and use above the second story of any store, factory, workshop or other structure where any person or persons shall be employed as workmen or workwomen, for wages, in any trade or occupation, or permit the occupation or use of any building more than two stories in height as an inn, or public house where travelers are lodged, or as a tenement house, without first having obtained a permit in writing from the officer hereinafter designated, under the penalty of not less than \$25.00 for each and every offense, and a further penalty of \$50.00 for each and every day such owner, lessee or agent shall, after the first conviction, neglect or refuse to comply with any of the provisions of this section.

Provisions as
to steam boiler
furnaces.

SECTION 4. Every steam boiler furnace used within the corporate limits of any city of the first grade of the first class, shall be so constructed or altered, or have attached thereto such sufficient smoke preventives, as to produce the most perfect combustion of fuel or other material from which smoke results, and so as to prevent the production and emission of smoke therefrom, so far as the same is possible. And any person or persons, association or corporation, being the owner or lessee, or having control of any such steam boiler furnace, shall use or allow the use of any such steam boiler furnace which shall not be so constructed, or if already constructed at the time of the passage of this act, shall not be so altered, or shall not have attached thereto such sufficient smoke preventives so as to produce the most perfect combustion of fuel or other material from which smoke results, and so as to prevent the production and emission of all smoke therefrom, so far as the same is possible, or shall fail to keep such steam boiler furnace for the prevention of smoke, and such smoke preventives in good and efficient order and operation, shall be subject to a fine of not less than twenty dollars nor more than fifty dollars for the first offense, and for each subsequent offense shall be fined not less than fifty nor more than one hundred dollars. And no steam boiler furnace shall hereafter be constructed in any such city of the first grade of the first class, except in accordance with the requirements of this section, under the penalty of fifty dollars for each offense.

Smoke preven-
tion

SECTION 5. Every person having charge of the igniting, making, stoking, feeding or attending any such furnace and any smoke preventives attached thereto in good and efficient order and use, that the least possible smoke shall be produced and emitted therefrom, and any such person who shall fail, or neglect to so ignite, make, stoke, feed, or attend such furnace fire, that the least possible smoke shall be produced or emitted therefrom, or shall fail or neglect to keep such furnace or smoke preventives attached thereto in good and efficient order and use, or shall hinder or disarrange any such furnace or smoke preventives attached thereto, shall be subject to the payment of a penalty of not less than twenty dollars nor more than fifty dollars for the first offense, and not less than fifty dollars nor more than one hundred dollars for each subsequent offense.

SECTION 6. The mayor of the city in every city of the first grade of the first class shall appoint a person of suitable qualifications as supervising engineer, who shall hold his office for the term of two years from and after the date of his appointment, and until his successor is appointed and qualified, and he shall have authority to supervise and require all steam boiler furnaces in such city of the first grade of the first class to be constructed, or if already constructed, to be so altered or have attached thereto such efficient smoke preventives, so as to produce the most perfect combustion of the fuel or other material from which smoke results, and so as to prevent the production and emission of all smoke therefrom so far as the same is possible, and he shall further have authority to supervise the igniting, making, stoking, feeding and attending such steam boiler furnace fires; and he shall also have authority to require the owners, or agents for owners, or lessees of all buildings more than two stories in height, not occupied or used exclusively as private residences, to provide any such building with fire-escapes, of such numbers, construction and material, and in such location as he may determine necessary to the protection of human life in case of fire; and after such determination by the supervising engineer, he may, at any time, by a notice served upon the owner, agent for owner, or lessee of any such building, by leaving with such owner, agent for owner or lessee, or at his or their residence or place of business, a copy of such notice; require such owner, agent for owner or lessee, or either of them, to cause such fire-escape to be placed upon such building within thirty days after the service of such notice; provided, however, that all buildings more than two stories high, used for manufacturing purposes, shall have one fire-escape for every twenty-five persons or less, employed above the second story, or a fire-proof stairway. In case the lessee, owner or agent for owner, or either of them, so served with notice as aforesaid, shall not within thirty days after the service of such notice upon him or them, place or cause to be placed, such fire-escape upon such building, as required by this article and the terms of such notice, he or they shall be subject to a fine of not less than \$10.00 nor more than \$100.00, and to a further fine of \$50.00 for each week of such neglect to comply with such notice after the service of the same; and he shall further have authority, in the performance of the duties of his office, to enter any steam boiler or engine room, or any building not occupied exclusively as a private residence, and any person or persons hindering or obstructing him in the performance of such duties shall be subject to a fine of not less than twenty dollars nor more than fifty dollars, or imprisoned in the work-house for a period not exceeding thirty days.

Provisions concerning supervising engineer in cities of the first grade of the first class.

SECTION 7. The supervising engineer, before entering upon the duties of his office, shall take and subscribe an oath to faithfully and impartially execute the duties of his office; he shall give bond in the sum of \$10,000, with two or more good and sufficient sureties, which bond shall be approved by the city solicitor and deposited with the mayor, and he shall receive an annual salary of \$2,500, which salary shall be

Supervising engineer to take an oath and give bond.

paid out of the city treasury the same as the salaries of other city officers are paid, and all fines assessed and collected under any of the provisions of this act shall be paid into the city treasury to and for the benefit of the street repairing fund.

His office and duties.

SECTION 8. The supervising engineer shall keep an office in the city hall or other suitable place, as shall be provided by the city council, where he shall keep a record in detail of the business and transaction of his office, and all books, stationery, postage and other necessary expenses to be paid from the city treasury, and it shall be the duty of such supervising engineer to commence and aid in prosecuting information or legal proceedings against persons for a violation of any of the provisions of this act; and to enable the said supervising engineer to carry out in the most prompt and effective manner all of the provisions of this act, the city council shall have the power to provide for the appointment, by the mayor, of an assistant supervising engineer, who shall be subject to the orders and control of the supervising engineer, and who, during the disability or absence of the said supervising engineer, shall have the power and perform all of the duties conferred by this act upon the said supervising engineer, and he shall receive for his services such salary as the city council shall prescribe. In cities of the second grade of the first class, the duties herein required to be performed by the supervising engineer, shall be performed by the inspector of buildings, appointed under an act, passed April 16, 1888, except in so far as relates to the duties of the inspection of smoke, and inspection of boiler and engine.

How provisions of this act applied in cities of second grade of first class.

Penalty for violations not herein provided for.

SECTION 9. The penalty for any violation of any provisions of this act, not otherwise especially provided for, shall be not less than twenty dollars; not more than fifty dollars for the first offense and not less than fifty nor more than one hundred dollars for each subsequent offense.

SECTION 10. All acts or parts of acts inconsistent or in conflict with this act, be and the same are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 830.]

AN ACT

Supplementary to section 475 of the Revised Statutes, as amended April 13, 1888, to be sectionally numbered 475a, and also supplementary to section 478 of the Revised Statutes, to be sectionally numbered 478b.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 475 of the Revised Statutes, as amended

April 13, 1888, be supplemented by the addition of a section, with sectional numbering as follows, and so as to read as follows:

Sec. 475a. In every county containing a city of the second grade of the first class, a city of more than ninety thousand and less than two hundred thousand inhabitants by the last federal census, the number of official stenographers, not exceeding two, shall be fixed by the judges of the court of common pleas and probate court of such county, and such stenographers shall hold such positions during the pleasure of the judges of said courts.

Official stenographers in certain counties.

SECTION 2. That section 478 of the Revised Statutes be supplemented by the addition of a section, with sectional numbering as follows, and so as to read as follows:

Sec. 478b. The official stenographers provided for in section 475a, shall each receive a salary not to exceed fifteen hundred dollars per annum, to be fixed by the judges making the appointment, which salary shall be in lieu of all per diem fees in said common pleas and probate courts, provided for in this section; and it shall be the duty of the auditor of such county to issue warrants on the treasurer for the payment of such salary out of the general fund, in equal monthly installments, upon presentation to him of a certified copy of the journal entry appointing such stenographer, fixing his salary, and a certificate of one of said judges that such stenographer has performed the duties hereinafter required by him. In such counties it shall be the duty of the official stenographers to report the testimony and the charge of the court to the jury, or the opinion of the court in every case tried in said common pleas and probate courts to court or jury, unless the judge trying the same otherwise directs. They shall also perform without extra compensation, such work as may be required by any [of] the judges of said court in preparing opinions and charges to juries. And in every case so reported there shall be taxed for each day's services of such official stenographer in such case, a fee of five dollars, to be collected as other costs in the case, and, when collected, paid into the treasury of such county.

Their duties and salary.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1096.]

AN ACT

To supplement section 1141 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section shall be supplementary to section 1141, and shall be known and numbered as section 1141a.

Recorder in
certain
counties may
appoint
deputies.

Sec. 1141a. The recorder in counties containing cities of the first grade, second class, may appoint one or more deputies, approved by the court of common pleas, and such appointments shall be in writing and filed with the clerk of said court; but the recorder shall be responsible for his deputy's neglect of duty or misconduct in office; and before entering upon the discharge of their duties, the deputies shall take an oath of office.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1117.]

AN ACT

To amend section 1129 of the Revised Statutes of Ohio, as amended April 29, 1885 (O. L., v. 82, p. 173).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1129 of the Revised Statutes be amended so as to read as follows:

Examinations
of county
treasury.

Sec. 1129. An inspection and thorough examination of all books, vouchers, accounts, moneys, bonds, securities, and other property in the treasury of the county, shall be made by the auditor and commissioners thereof as often as every six months in each year, and the probate judge shall, once every six months, or oftener, if he deem it necessary, or whenever he is requested so to do in writing by one or more of the bondsmen of the treasurer; and on the day and at the time the treasurer turns over his office and its effects to his successor in office, without notice to any one, he shall appoint, in writing, under the seal of said court, two competent and trustworthy accountants of opposite politics, neither of whom shall have held the office of treasurer or been a clerk in any county office during the two years next preceding such appointment; provided, that persons who have served as examiners under

the provisions of this section shall not again be appointed until the expiration of three years, who, after being sworn to faithfully perform the duties imposed upon them, shall forthwith, without previous notice or intimation to the county treasurer or any other person, of such intended inspection and examination, enter the county treasury, present their authority aforesaid, to the county treasurer, who, upon demand, shall open the vaults and safes of the treasury, and said examiners shall proceed immediately to count the money therein and inspect and examine the books, records and vouchers thereof, and after having counted the money, inspected and examined the books, records and vouchers found therein, make due entry of the same, after which the said examiners shall proceed forthwith to the office of the county auditor and there ascertain how much money the county treasurer stands charged with on the auditor's books. Said auditor shall furnish such accountants with a statement of the exact amount of money, property, bonds, securities, assets and effects, also how much belongs to each particular fund and should be in said treasury; the said accountants shall certify the exact amount of money in the treasury, together with the amount belonging to each particular fund, also all property, bonds, securities, vouchers, assets and effects as aforesaid, in writing, in triplicate, one copy of which certificate shall be recorded in the books of the treasury, and filed by the treasurer in his office, and one copy shall be recorded and filed by the auditor of the county; one copy thereof shall be duly reported to the probate court and be entered of record therein, a copy of which shall be furnished by the probate judge for publication one week, in two newspapers of opposite politics, of general circulation in the county in which such examination is made, and said accountants so appointed and performing the duties therein required, shall be paid five dollars per day for the time necessary to the performance of the same, out of the county treasury, on a warrant drawn by the county auditor and approved by the certificate of said court, particularly specifying the duty performed; and the auditor of state is authorized, when, from information filed in his office, or from other cause, he deems it necessary for the safety and security of the public funds, to appoint a competent accountant, who shall, in like manner, proceed to examine the county auditor's office, or if so directed also the county treasury, and count the funds therein, and have the same powers and receive the same compensation, to be paid in the same manner as examiners appointed by a probate judge, and in addition thereto his necessary expenses incurred, to be approved by the auditor of state, and such examiner shall, immediately after ascertaining the condition of the county treasury, and the amount of money therein, certify the same in the manner aforesaid, and file one copy of the certificate with the county auditor, and one with the county treasurer, and transmit one copy to the auditor of state, to be filed in his office, and the county treasurer and county auditor shall submit the offices, books, safes, moneys, papers, and effects thereto belonging to the inspection of such

examiner or examiners, on demand; provided, that in counties in which the county treasurer is also city treasurer by virtue of law, the examination herein provided for shall embrace the funds belonging to the city, and the city clerk or city auditor shall perform the same duties herein required of the county auditor. Any officer or person violating any of the provisions of this section, shall be fined in any sum not exceeding one thousand nor less than one hundred dollars, or be imprisoned in the penitentiary not more than five years, or both, at the discretion of the court.

SECTION 2. Said original section 1129, as amended April 29, 1885, is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1118.]

AN ACT

To amend section 2865 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2865 of the Revised Statutes be amended to read as follows:

Fees for publication of delinquent and forfeited land list.

Sec. 2865. There shall hereafter be allowed to the publishers of newspapers, for advertising the delinquent and forfeited lists of the several counties, and the notice of sale, a sum not exceeding the following rates: For the notice of sale, ten dollars; for designating the several school districts, townships, hamlets, villages and cities, and the several wards in any city, fifty cents each; and for each tract of land, city or town lot, or part of lot, contained in each of said lists, thirty cents; and there shall be added to the tax on each item so advertised, the sum of fifty cents to pay the cost of such advertising; provided, that in no case shall a greater sum than one-half of the taxes and penalties, due on any tract, lot, or part of lot, be allowed for advertising such tract, lot, or part of lot; and no such property shall be published in said list, as delinquent, on which the taxes and penalty shall have been paid on or before the twentieth day of December.

SECTION 2. Said original section 2865 is hereby repealed; and this act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1131.]

AN ACT

Supplementary to section 3184 of the Revised Statutes, as amended March 22, 1881 (78 v., 78), to be sectionally numbered 3184a.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3184 of the Revised Statutes, as amended March 22, 1881 (78 v., 78), be supplemented by the addition of a section with sectional numbering as follows, and so as to read as follows:

Sec. 3184a. Any person who performs labor in mining coal, or removing the same from the mines, or other manual labor connected therewith, for any coal or mining company owning, operating, or leasing coal mines within this state, by virtue of a contract with the owner, owners, or his or their authorized agent, shall have a lien to secure the payment for the same upon the mine or mines of such company and upon all the rights of the company or corporation owning or leasing such mines, and upon all the personal property of any such company or corporation used in conducting their business of mining coal, whether the same be located at or near the mines or elsewhere.

Lien upon
mines for
labor.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1136.]

AN ACT

For the relief of the poor in counties having no county infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of a township in any county in the state of Ohio, having no county infirmary, may contract with one or more competent physicians to furnish medical relief and medicines necessary for the paupers of their respective townships, who come under their charge under the laws of Ohio; but no such contract shall extend beyond two years.

Relief of poor
in counties
having no in-
firmary.

SECTION 2. These contracts shall be given to the lowest competent bidder, the trustees reserving the right to reject any and all bids and to annul any such contract at any time, for proper cause.

SECTION 3. That when the trustees of any such township shall enter into such contract, as herein provided, said township shall not be liable for any relief thereafter furnished any

pauper under the provisions of section 1494, Revised Statutes, so long as such contract remains in force.

SECTION 4. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1165.]

AN ACT

To amend section 2253 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2253 of the Revised Statutes of Ohio be amended so as to read as follows:

When execution of order may be suspended.

Sec. 2253. When such petition is filed, the court of common pleas, or probate court, as the case may be, may suspend the execution of any order which may have been made, on such terms as may be deemed proper, and may require a bond with security for the payment of any damages or costs which may be thereby occasioned; but in all cases, whether upon error, or upon appeal as provided for in section 2254, where the municipal corporation pays or secures by a deposit of money the compensation assessed by the jury, and gives such security as may be deemed adequate to pay any further compensation and all damages and costs which may be thereafter adjudged, and the right to take and hold the property condemned shall not be affected by any such review or appeal.

SECTION 2. That section 2253 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1206.]

AN ACT

To authorize the Ohio state board of agriculture to issue bonds to refund indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Ohio state board of agriculture be and is

hereby authorized to issue bonds not to exceed the sum of fifty thousand dollars, for the purpose of refunding the debt incurred by the Ohio centennial exposition.

Ohio state board of agriculture empowered to issue bonds.

SECTION 2. Said bonds shall be issued in denominations of \$500.00 each, and shall be made payable in sums of \$5,000.00 annually from the date thereof until paid, and shall bear interest at a rate, not exceeding six per cent. per annum, payable annually, and shall not be sold for less than their par value. Said bonds shall be signed by the president of said board and countersigned by the secretary.

SECTION 3. The said state board of agriculture is hereby authorized to secure the payment of said bonds and interest by mortgage on the state fair grounds with the improvements thereon, and the money received from the sale of said bonds shall be applied to the payment of said indebtedness and to no other purpose.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1249.]

AN ACT

To amend section 2 of an act to amend "an act to secure prompt payment of wages to certain employes twice in each month," passed March 21, 1887 (vol. 84, p. 214), as amended April 14, 1888 (vol. 85, p. 251).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of the above recited act be so amended as to read as follows:

Penalty for refusing to pay.

Sec. 2. Any corporation mentioned in section 1 of this act, violating any provisions of this act, shall be punished by a fine not exceeding one hundred and not less than fifty dollars. Justices of the peace, mayors and police judges shall have final jurisdiction in all cases arising under the provisions of this act; and a corporation shall be notified by warrant to be served upon the president, secretary, treasurer, or managing agent thereof; provided, that the defendant shall be entitled, on demand, to a trial by jury. If such prosecution be before a justice of the peace, and a trial by jury be not waived, the said justice shall issue a venire to any constable of the county, containing the names of sixteen electors of the county, to serve as jurors to try such case, and make due return thereof. Each party shall be entitled to two peremptory challenges, and shall be subject to the same challenges as jurors are sub-

As to trial under this section.

ject to in criminal cases in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel, the justice may direct the constable to summon any of the by-standers to act as jurors; but costs shall not be required to be advanced or paid by a person or an officer authorized or required by statute to prosecute such cases; and if the defendant be acquitted, or if he be convicted, and committed to jail in default of payment of fine and costs, the justice, mayor, or police judge, before whom the case was brought, shall certify such costs to the county auditor, who shall examine, and, if necessary, correct the account, and issue his warrant to the county treasurer in favor of the respective officers to whom costs are due for the amount due to each; provided, complaint for such violation is made within thirty days from date thereof; providing, that in pursuance of and under this act there shall not be more than one conviction of the same corporation during any two weeks. And it shall be the duty of the inspector of shops and factories, on complaint of three or more employes of such corporation, to enforce the provisions of this act.

SECTION 2. That section 2 of the above recited act be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1277.]

AN ACT

To authorize villages having a population of 4,777 at the last preceding federal census to issue bonds to improve the streets and avenues.

Certain villages authorized to issue bonds to improve streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council in any village having a population of 4,777 at the last preceding federal census, is hereby authorized to issue the bonds of said village in a sum not exceeding fifteen thousand dollars, in denominations of not more than one thousand dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and redeemable at a period not exceeding ten years from the date of issue. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value, and may be issued and sold at such times and in such amounts as the council of said village shall determine by ordinance.

How proceeds of bonds applied.

SECTION 2. The money arising from the sale of said bonds shall be used by the council of said village for the purpose of paving, flagging or improving such streets and avenues

thereof with stone, or other suitable material, as shall be paved, flagged or improved under the general plan of requiring two-thirds of the cost of such paving, flagging or improving to be paid by the owners of the property abutting thereon, and for no other purpose whatever.

SECTION 3. Whenever the bonds of any village shall be issued as provided by this act, it shall be the duty of the council thereof to levy a tax, not exceeding two mills on the dollar in any one year, in addition to the amount already allowed by law, on all the taxable property of said village sufficient to pay the interest accruing semi-annually on said bonds so issued, and to create a sinking fund for the payment of the principal thereof as the same shall fall due.

Duty of council
under this act.

SECTION 4. Before said bonds shall be issued, the council of said village shall submit the question of such issue and taxation to the qualified electors of said village at a general election held in said village at the usual places of holding elections, or at a special election called for that purpose, at such place or places as the council may designate, of which proper notice shall be given in either case by publication in two newspapers published in said village, for two consecutive weeks prior to such election; those electors who favor the issue of said bonds shall have written or printed on their ballots the words, "Paving or flagging tax—Yes;" and those opposed to such issue shall have written or printed on their ballots the words, "Paving or flagging tax—No;" and a majority of the votes cast at said election in favor of said paving or flagging tax shall authorize the issue of said bonds and the levy of said tax by said council.

As to vote on
question.

SECTION 5. The act passed March 3, 1888 (85 v., p. 386), is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1287.]

AN ACT

To authorize county auditors of certain counties to publish delinquent tax lists.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county where the county auditor heretofore by inadvertence, mistake, or otherwise, shall have omitted to publish the delinquent list of his county according to the requirements of law, the publication shall be made

Authorizing
county audi-
tors to publish
delinquent
tax list.

according to the provisions of section 2868 of the Revised Statutes.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 459.]

AN ACT

To amend section 629, as amended February 23, 1886, of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six hundred and twenty-nine, as amended February 23, 1886 (v. 83, p. 6), be so amended as to read as follows:

Trustees, etc.,
not eligible
for employe
or superinten-
dent or
steward.

Sec. 629. No trustee, commissioner, manager or director of any benevolent, reformatory or penal institution of the state or of any county therein, is eligible to the office of superintendent or steward, as an employe of such institution during the term for which he was appointed, nor within one year after his term expires; nor shall any officer or employe of any such institution be related by blood or marriage to either of said trustees.

SECTION 2. Said section 629, as amended February 23, 1886, is hereby repealed; and this act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 794.]

AN ACT

To supplement an act entitled "an act supplementary to section 2559 of the Revised Statutes of Ohio," as amended April 13, 1888 (O. L., 86, p. 215).

Bonds shall be
issued for ad-
ditional funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following paragraph be enacted as supplementary to section 2559 of the Revised Statutes of Ohio, as amended April 13, 1888, with numbering as follows:

17. To provide additional funds for the purpose of extending, making alterations in the plans of such city hall, or

making alterations in the contracts for the erection of such city hall, and for completing the same, the board of public affairs of any such city shall issue the bonds of said city in any amount not to exceed the sum of two hundred and fifty thousand dollars (\$250,000), in the manner, on the terms and under the conditions provided in paragraph twelve hereof; provided, that it shall be the duty of the board of trustees appointed under the provisions of this act, immediately upon the passage hereof, to at once proceed to remove any old buildings that may be necessary to remove, or dispose of, for the purpose of extending such city hall, and making any additions, alterations or changes in the plans hereof, and said board of trustees may make such additions, alterations or changes, upon the same terms and for the same prices agreed to be paid in existing contracts, but nothing herein shall prevent said city hall trustees from letting said additional work to the lowest and best bidder, after due advertisement, if, in their judgment, it would be to the interest of said city to so let said additional work.

SECTION 2 This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 796.]

AN ACT

To create and perpetuate a board of trustees of the firemen's pension fund, and to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers and fathers of deceased firemen; to authorize the retirement from all service, or the relief from active service, and the pensioning of any such member of the fire department, and for the other purposes in connection therewith, in cities of the first grade of the first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the persons who, from time to time compose the board of fire commissioners of any city of the first grade of the first class, and five other persons, members of the fire department therein, elected as hereinafter provided, shall constitute and be the trustees for the distribution of the pension fund now existing or hereinafter provided, and shall be called the board of trustees of the firemen's pension fund.

Trustees of
firemen's pen-
sion fund.

SECTION 2. The five persons to be elected as such trustees, shall, together with five other persons, also members of the said fire department, be nominated for such office of trustees in a convention to be composed of one delegate from each

Composed of
whom.

How elected.

engine, chemical engine, fire boat, hook and ladder or hose company, fire alarm telegraph company, and from the general office belonging to the fire department of any such city, and convene at least two weeks prior to the election of such five persons. That such election shall be held in the respective houses or headquarters of such engine, chemical engine, fire boat, hook and ladder or hose company, telegraph department or general office, and to be by ballot cast by the members of said fire department between the hours of nine o'clock in the forenoon and six o'clock in the afternoon, on the first Tuesday of January, in each and every year hereafter, except the first election, which shall be held within thirty days after and by virtue of the passage of this act. That every such member shall be entitled to cast only one ballot, that no ballot shall contain the names of more than five persons, and the persons receiving the highest number of votes shall be declared elected as such trustees, and hold their offices until their successors are duly elected. That the captain, or officer in command of any such company, on the day of, and immediately after holding such election, shall canvass, count and certify in writing the numbers of ballots cast, and the vote received by each candidate for the office of trustee. After signing such certificate, said captain or officer in command shall at once address and deliver, or mail the same to the secretary of the board of trustees. That the president and secretary of the board of trustees, shall, together, within three days after the receipt of such certificates by said secretary, open the same, and ascertain and determine the total number of votes so cast at said election for the different persons for the office of trustee, as returned by said captain or officer in command, and under the respective hands of such president and secretary issue certificates of their election to the five persons elected as such trustees. In case of a tie vote being received by any two persons for the office of said trustee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by and between the persons for whom such tie vote was cast. No election shall be set aside for want of formality in balloting by such members, or certifying or remitting the returns of any such election by said captain or officer in charge.

President and secretary.

SECTION 3. The president and secretary of the board of fire commissioners in such cities, shall also be respectively the president and secretary of said board of trustees of the firemen's pension fund. It is hereby made the duty of the said secretary to keep a full record of all the proceedings of said board of trustees, and all actions taken by it in regard to the said pension fund without additional compensation.

Duties of county treasurers in certain counties.

SECTION 4. That the county treasurers of counties containing a city of the first grade of the first class shall annually, at the time of their annual settlement with the auditors of their respective counties, pay over to the treasurer of such city one-half of the amount to which such city is entitled under its annual levy of all the taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government, and doing busi-

ness in any such city, on the gross receipts of every such insurance company, under and by virtue of the provisions of section 2745 of the Revised Statutes, during the half-year preceding such annual settlement, and the money so paid over to such city treasurer shall, together with the amount heretofore so paid, constitute a pension fund for the purposes and objects hereinafter set forth.

SECTION 5. In case any such insurance company shall fail to make return to the office of the auditor of the county in which the office or agency of such insurance company may be kept, in the month of February, annually, the amount of the gross receipts of such agency for entry upon the tax list of the proper county, such auditor shall forthwith give notice of such failure to the superintendent of insurance, and said superintendent shall, upon the receipt of such notice from said auditor, forthwith revoke and recall the license and authority to such insurance company to do or transact business within this state, and no renewal of authority shall be granted to such insurance company for three years after such revocation, and it shall be prohibited from transacting any business in this state until again duly licensed and authorized so to do, and the said returns shall have been duly made. In each and every case of failure of the said auditor to give such notice to said superintendent of insurance, said auditor being cognizant of the existence of such company and of the transaction of business by the same, such auditor shall forfeit and pay to said city for the use and benefit of said pension fund, the sum of one hundred dollars, such forfeiture to be recovered of said auditor in an action at law therefor, brought against him by any person in the name of any such city, and before any court of competent jurisdiction.

Failure of insurance companies to make return.

SECTION 6. That it shall be the duty of the said auditor to make out and deliver to the said board of trustees, annually, on the first of May in each and every year hereafter, a correct statement of the name, and agent's name of every such insurance company so doing business in said city, together with the amount of the gross receipts of every such insurance company, as returned by said agent or company to said auditor for the year previous to the first day of May. In case of the failure of said auditor to make out and deliver to said board of trustees any such annual statement at the time named in each and every year hereafter, such auditor shall forfeit and pay to said board of trustees, for the use and benefit of said pension fund, the sum of five hundred dollars, said forfeiture to be sued for and recovered of such auditor in an action at law, brought against him by any person in the name of any such city, and before any court of competent jurisdiction.

Duty of county auditors.

SECTION 7. That it shall be the duty of the treasurer of said county to make out and deliver to the said board of trustees, on the first day of January, in each and every year hereafter, a statement of the name of every such insurance company doing business in said city, together with the amount of taxes paid into the treasury of such county by such insurance company, for the year or part thereof, prior to the making and delivery

County treasurer to deliver certain statement to trustees of pension fund.

of such semi-annual statements of said treasurer to such board of trustees.

Powers of commissioners to impose fines.

SECTION 8. That the said board of five commissioners may impose fines upon any member of the fire department in any such city, by way of discipline or punishment, detain and collect the same from the pay and salary of such member, and such fines, together with all the rewards in money, fees, gifts and emoluments, that may be paid or given especially to such pension fund, on account of extraordinary service by said fire department, or any member thereof (except when allowed to be retained by such member, or given to endow a medal or other permanent or competitive reward), and all proceeds of suits for penalties for the violation of any provision of any statute of this state, or ordinances of said city, with the execution of which the said fire department, or any of its officers or members, is now, or hereafter may be charged, and any license or other fees payable under the same, shall be paid to and received by the said city-treasurer, and applied by him to the said pension fund. And the said board of trustees may take by gift, grant, devise, or bequest, any money, real estate or personal property, right of property, or other valuable thing, the annual income of which shall not exceed fifty thousand dollars in the whole, and such money, real estate or personal property, right of property or other valuable thing so obtained, shall in like manner be paid to and applied by such city treasurer to the said pension fund, and also to the use of such fund by deposit, investment or profit, as hereinafter provided, or as such board of trustees shall direct; provided, that the sum of one hundred thousand dollars, which may be received and accumulated under the provisions of this act, shall be, when so received and accumulated, retained as a permanent fund, the annual income of which may alone be available for uses and purposes of the said pension fund.

Treasurer to give bond.

SECTION 9. That the treasurer of every such city shall execute a bond with sufficient sureties, to the city, for the faithful performance of his duties as the custodian of such pension fund, in like manner as his present official bond as such treasurer is drawn, executed and filed, and in such penal sum as the said board of trustees shall direct.

Board of trustees may invest funds.

SECTION 10. That the said board of trustees shall have power to draw such pension fund from the treasury of such city, and may invest the said fund in the name of the board of trustees of the firemen's pension fund, in interest bearing bonds of the United States, the state of Ohio, or any county in this state or of said cities, or of any township, incorporated village or other municipal corporation in the said state of Ohio, when the power to issue said bonds is derived from either general or special legislative authority, that the said bonds shall, before the same are issued to the said board of trustees, be registered in the office of the treasurer of the United States, or said state of Ohio, or county, city, township, incorporated village or municipal corporation in this state issuing the same, and bear upon their face the printed or legible written fact of such registry, together with the book and page

and the date and place of such registry. And in such cities it shall be the duty of the trustees of the sinking fund of said cities, upon the application being made to them for that purpose by the trustees of the firemen's pension fund, to receive such bonds, and safely keep the same, and deliver the same to said board of trustees of the firemen's pension fund, only on the order of said board, signed by the president and two members thereof, and countersigned by the secretary. The said board of trustees shall make reports to the common council of the condition of said pension fund, on the first day of January, of each and every year.

SECTION 11. If any member of the fire department of any such city shall, while in the performance of his duty, become, or be found upon examination by a medical officer, ordered by said board of trustees, to be physically or mentally permanently disabled, so as to render necessary his retirement from all services in the said fire department, such board of fire commissioners shall have power to retire such permanently disabled member from all service in the said fire department, and upon such retirement, the said board of trustees shall authorize the payment to such permanently disabled member, monthly, from the said pension fund, the sum of fifty (\$50) dollars. If any member of said fire department shall, while in the performance of his duty be killed, or die from the effects of any injury thus received, or of any disease thus contracted, or if any member of said fire department shall, after ten years' service therein, or while retired, die from any cause, such member so killed or dying from said injuries or disease, or after said term of service or retirement, shall leave a widow or minor child or children, under sixteen years of age, or a mother who depended upon him for support, said board of trustees shall authorize and direct the payment from the said pension fund the following sums monthly, to-wit: to such widow while unmarried, the sum of twenty dollars; to the guardian of such minor child or children, six dollars for each of said children, until each child shall respectively arrive at the age of sixteen years, and twenty dollars to such dependent mother until she re-marries; and in case there is no dependent mother, but a father who is dependent upon such member for support, such dependent father shall be paid the same sum monthly, as provided herein to be paid to a dependent mother; provided, however, that if [at] any time there should not be sufficient money or bonds to pay to each person entitled to the benefit thereof the full amount as hereinbefore stated, then, and in that event, an equal percentage of said monthly payments shall be made to each beneficiary thereof, until said fund is so replenished as to warrant payment in full to each of said beneficiaries.

When members of fire department may draw upon fund.

SECTION 12. In case of the partial, permanent disability of any member of said fire department, caused in or induced by the actual performance of the duties of his position as such member, or which shall have occurred before the expiration of ten years' service in the said fire department, the said board of fire commissioners, upon an examination of

Pension in case of partial disability.

such partially permanently disabled member by the medical officer ordered by the said board of trustees, shall have power to relieve such partially permanently disabled member from actual service at fires, and the said board of trustees, upon such member being so relieved, shall authorize the payment to such partially permanently disabled member, monthly from the said pension fund, a sum not less than thirty dollars or more than forty dollars, or in proportion to the number of beneficiaries of said fund, [as the condition of said pension fund] may warrant. The member so partially permanently disabled and relieved from active service at fires, shall remain a member of said fire department, subject to the rules governing the same, and may be ordered by the said board of fire commissioners to the performance of such light duties as the medical officer ordered by said board of fire commissioners may certify him qualified to perform, and the said board of fire commissioners shall, out of the general fund of said fire department, fix and pay such additional compensation for the performance of said light duties, as the circumstances and merit of each case [in its discretion] may warrant. Such pension and additional compensation so paid to such partially permanently disabled member mentioned in this and the preceding sections of this act, shall be in lieu of any salary received by such member at the date of his being so relieved from active service at fires, and the said city shall not be liable for the payment of any other claim or demand for services hereafter rendered by such partially permanently disabled member.

When members of fire department may be retired.

SECTION 13. Any member of the said fire department, after twenty-five years' service in said fire department shall, upon his written application to the said board of fire commissioners, be retired from all service in said fire department, and the said board of trustees, upon such member being so retired, shall authorize the payment to such retired member, monthly, from the said pension fund, the sum of forty dollars, or in proportion to the number of beneficiaries of said fund as the condition of said pension fund will warrant. That the payment of such pension shall be made by drafts drawn by the order of said board of trustees signed by the president and countersigned by the said secretary.

Pension fund exempt from execution and process before or after its distribution.

SECTION 14. That no portion of the said pension fund shall, either before or after its order of distribution by the said board of trustees to such disabled member of said fire department, or to the widow or guardian of the minor child or children, or to the dependent mother or father of a deceased or retired member of such department, be held, seized, taken, subjugated, detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any process or proceeding whatever, issued out of, or by any court in this state, for the payment or satisfaction, in whole or in part, of any debt, damages claimed, and judgment, fine or amercement of such member, or his said widow, or the guardian of his minor child or children, or of the dependent mother or father or any deceased member; but the said fund shall be sacredly held, kept, secured, promoted and distributed, for the purpose of pensioning the persons named

in this act, and for no other purposes whatever; provided however, that no person shall be considered a member of the fire department within the meaning of this act, or entitled to its benefits, except the fire-marshal and assistant fire-marshal, captain, lieutenants, engineers, stokers, pipemen, drivers, truckmen, assistant superintendent, operators, repairers or line men of the fire alarm telegraph, and all substitutes regularly appointed by the said fire-marshal, according to the rules of said fire department, while in the actual performance of their duties as substitute members; providing, that all members deriving benefits under the act of March 29, 1883, entitled "an act to amend section 1 of an act entitled 'an act, to provide for the relief of disabled firemen, in cities of the second grade of the first class,' as amended April 16, 1881 (78 O. L., 137), and to amend sections 2 and 3 of said original act, (77 O. L., 309)," shall be deemed beneficiaries under this act, and shall receive benefits equal in amount, and under like conditions as those who shall hereafter be made beneficiaries under this act.

SECTION 15. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 844.]

AN ACT

To amend section 1692 of the Revised Statutes of Ohio, as amended April 20, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1692 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 1692. In addition to the powers specifically granted in this title, and subject to the exceptions and limitations in other parts of it, cities and villages shall have the general powers enumerated in this section, and the council may provide, by ordinance, for the exercise and enforcement of the same.

1. To prevent riots, gambling, noise, and disturbance, indecent and disorderly conduct or assemblages, and preserve the peace and good order, and protect the property of the municipal corporation and its inhabitants. Riots, gambling, etc.

2. To regulate billiard-tables, nine or ten-pin alleys or tables, and ball-alleys; and to authorize the destruction of instruments or devices used for the purpose of gambling. Billiards, ten-pins, etc.

- Nuisance. 3. To prevent injury or annoyance from anything dangerous, offensive, or unwholesome, and to cause any nuisance to be abated.
- Houses of ill-fame. 4. To suppress and restrain disorderly houses and houses of ill-fame, and to provide for the punishment of all lewd and lascivious behavior in the streets and other public places.
- Beer saloons. 5. To regulate ale, beer, and porter houses and shops.
- Taverns. 6. To regulate taverns and other houses for public entertainments.
- Theatrical exhibitions. 7. To regulate, restrain or prohibit theatrical exhibitions and public shows, and exhibitions, of whatever name or nature, for which money or other reward is in any manner demanded or received; but lectures on historic, literary or scientific subjects shall not come within the provisions of this section.
- Auction of animals. 8. To regulate or prohibit the sale of live domestic animals at public auction in the streets, alleys, highways or any public ground within the corporation.
- Auctions. 9. To regulate auctioneering, and to regulate, license or prohibit the sale at auction of goods, wares, and merchandise imported into the corporation for the purpose of being sold at auction.
- Carriages, drays, etc. 10. To regulate the use of carts, drays, wagons, hackney coaches, omnibuses, and every description of carriages which may be kept for hire, or livery stable purposes.
- Animals running at large. 11. To regulate, restrain and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, and other animals, and to impound and hold the same; and, on notice to the owners, to authorize the sale of the same, or any portion thereof, for the penalty imposed by any ordinance, and the cost and expenses of the proceedings.
- Dogs. 12. To regulate or prohibit the running at large of dogs, and provide against injuries and annoyances therefrom, and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance to that effect.
- Fast driving. 13. To prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles through the public highways.
- Explosions. 14. To regulate the transportation and keeping of gunpowder and other explosives and dangerous combustibles, and to provide or license magazines for the same.
- Transportation. 15. To regulate the transportation of articles through the streets, and prevent injuries to the streets from overloaded vehicles.
- Weighing. 16. To regulate the weighing and measuring of hay, wood, and coal, and other articles exposed for sale.
- Fire. 17. To guard against injuries by fire.
- Streets. 18. To lay off, establish, open, widen, narrow, straighten, extend, keep in order and repair, and to light streets, alleys, public grounds, and buildings, wharves, landing places, bridges, and market spaces within the corporation, including

any portion of any turnpike or plank road therein, surrendered to or condemned by the corporation, and to provide for laying down gas pipes.

19. To construct, open, enlarge, excavate, improve, deepen, straighten, or extend any canal, ship-canal, or water-course located in whole or in part within the corporation. Canals.

20. To regulate the cleaning and sprinkling of streets, alleys and public grounds. Street cleaning.

21. To open, construct, and keep in repair sewers, drains, and ditches. Sewers.

22. To establish, repair, and regulate water-closets and privies. Privies.

23. To erect, establish, regulate, and repair pest-houses, hospitals, and infirmaries. Hospitals.

24. To establish a board of health and invest it with such powers and impose upon it such duties as may be necessary to secure the inhabitants from the evils of contagious, malignant and infectious diseases. Board of health.

25. To build jails or other places of confinement, and to regulate the same. Jails.

26. To erect market-houses, and to establish and regulate markets. Markets.

27. To regulate the erection of buildings, fences, and other structures within the corporate limits. Buildings and fences.

28. To provide public cemeteries, and for the improvement and protection thereof, and to regulate the burial of the dead. Cemeteries.

29. To organize and maintain a police department. Police.

30. To organize and maintain a fire department, erect necessary buildings therefor, and to purchase and hold all necessary hose, engines, carts, ladders, carriages, tools and implements therefor. Fire department.

31. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water-pipes, reservoirs, and water-works, and for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof. Water.

32. To hold and improve public grounds and parks, and to provide for the protection and preservation of the same. Park.

33. To appropriate private property for the use of the corporation. Appropriation of property.

34. To acquire, by purchase, or otherwise, and hold real estate, or any interest therein, and other property for the use of the corporation, and to sell or lease the same. Power to purchase real estate.

35. To erect and maintain buildings for public schools. Public schools.

36. To erect and maintain public halls. Halls.

37. To establish and maintain free, public libraries and reading rooms, and to purchase books, papers, maps, and manuscript therefor, and to receive donations and bequests of money or property for the same in trust or otherwise; and the council may appoint such trustees or officers, and confer on them such authority as may be necessary to render any Libraries.

reading room so established of public utility; and may, also, pass necessary by-laws and regulations for the protection and government of the same.

Ferries.

38. To license and regulate ferries within the corporate limits.

Bequests.

39. To accept bequests made by will, upon conditions and limitations contained in the will; and any city or village accepting such a bequest shall be bound to faithfully carry out all the stipulations of the will in relation to the bequest, and the council of any such city or village is hereby authorized to make any and all rules and regulations by ordinance that may be required to carry out fully all the provisions of the will in relation to the bequest.

License.

40. To license and regulate the sale of produce and other merchandise, from canal-boats, vessels, cars on the railroad tracks, and railroad depots, and cities of the first grade of the first class in addition to the powers hereinbefore granted, shall have the power to regulate and compel the consumption of the smoke emitted by the burning of coal, and to prevent injury and annoyance from the same.

SECTION 2. That said section 1692 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 853.]

AN ACT

To amend sections 1 and 2 of an act passed March 13, 1888, entitled an act to encourage the destruction of the woodchuck or ground-hog (vol. 85, p. 79).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 2 of the above recited act be so amended as to read as follows:

Offering
bounty for
killing
ground-hogs.

Sec. 1. That any one killing an animal known as the woodchuck or ground-hog, between the first day of March and the first day of November in any one year, shall, on the presentation of the scalp of such animal to the clerk of the township wherein such animal was captured and killed, be entitled to a certificate to the amount of ten cents for each scalp so produced; provided, that the clerk of the township shall in no case issue such certificate, unless there is at the time of issuing the same, a fund in the township treasury out of which to pay the same, which fund shall have been set apart out of the general fund of the township, or shall have been raised by a levy for such purpose by the township trus-

tees, and shall be known as the ground-hog fund, and the trustees of any township may, in their discretion, create such fund, which in no year shall exceed the sum of two hundred dollars, and any amount of such fund which shall remain unexpended upon the first day of December of each year, shall be credited to the general fund of the township.

Sec. 2. In any township in which there shall be to the credit of the ground-hog fund any money, yet unexpended, it shall be the duty of the clerk, upon the presentation of the scalp of such animal, to destroy the same and issue his certificate to the person entitled to the reward aforesaid, on the treasurer of said township for the amount due such person; the same to be paid out of the "ground-hog fund" of the township; provided, that in each township, no greater amount than two hundred dollars in any one year shall be expended for the purposes herein named; and the trustees shall allow the township clerk a reasonable compensation for the services herein required; provided, that no scalp shall be redeemed which shall have been taken from an animal captured or killed on the Sabbath day. How paid.

SECTION 2. That sections 1 and 2 of the above named act, passed March 13, 1888 (vol. 85), be and the same are hereby repealed.

SECTION 3. This act to take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1055.]

AN ACT

To authorize city councils of the cities of the first grade of the second class to issue bonds for sewer purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the first grade of the second class be and it is hereby authorized and empowered, for the purpose of constructing main trunk sewers, to issue from time to time the bonds of said city for any sum not exceeding in the aggregate forty-seven thousand dollars above the amount of bonds for like purposes heretofore issued by such city. Cities of first grade, second class, authorized to construct sewers.

SECTION 2. Such bonds shall run for such length of time, and shall bear such rate of interest, not exceeding six per cent. per annum, and such interest shall be payable annually or semi-annually, as such council may determine. Such bonds shall be designated, issued and sold in all respects in such As to bonds issued for same.

manner as is, or may be, prescribed by law for the designation, issuing and sale of bonds of such municipal corporation, and the proceeds of all sales thereof shall be applied exclusively to the purpose for which they are issued.

Interest and
principal; how
paid.

SECTION 3. For the purpose of paying the principal and interest of any bonds which may be issued under the authority of this act as they mature, respectively, the city council of such city is hereby authorized and empowered to levy and collect, annually, such rate and amount of taxes on each dollar of valuation of taxable property in the corporation on the tax duplicate, not to exceed one-tenth of one mill, as the council may determine, additional in rate and amount to the aggregate rate and aggregate amount of all taxes now or hereafter to be authorized by law to be levied or ordered by such municipal corporation.

SECTION 4. This act shall take effect from its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1211.]

AN ACT

To amend section 1045 of the Revised Statutes of Ohio.

Provisions
governing cer-
tain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1045 of the Revised Statutes be so amended as to read as follows:

Sec. 1045. The county auditor shall, within ten days after he has made each semi-annual settlement with the county treasurer, transmit to the auditor of state a duplicate of each of the several certificates and abstracts required to be made in the settlement; and in counties containing a city of the first and second grade of the first class, he shall also transmit to the auditor or comptroller of said city a certified abstract which shall show:

First. The original amount of all taxes levied by the city council, except the sewer district taxes as shown by the tax duplicate, the subsequent additions thereto, the delinquencies and forfeitures of former years, the taxes ascertained to be erroneous and remitted before payment, the taxes ascertained to be erroneous and refunded after payment, the fees and costs of collections, the net total due the city and the apportionment thereof to its various funds.

Secondly. For the liquor traffic tax, the number of saloons taxed, the total tax thereon, the delinquencies and uncollected tax, the penalties, the fees and costs of collection,

the tax refunded, the net amount due the city and its distribution to the proper funds.

Thirdly. For each sewer district, the total amount of sewer tax levied thereon for the year, the delinquencies of former years not prior to 1887, the amount collected, the fees thereon, the amount remaining unpaid, and the net amount due the city.

Fourthly. For each special assessment, the amount of the tax list certified for collection or the balance unpaid thereon at the last settlement, as the case may be, the amount collected, the fees thereon, the net amount due the city, and the amount remaining uncollected, and

Fifthly. Such other and further facts, and in such form, as the city auditor, by and with the approval of the city council, shall prescribe.

SECTION 2. Said original section 1045 of the Revised Statutes is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March, 27, 1889.

[Senate Bill No. 28.]

AN ACT

To amend section 7284 of the Revised Statutes of Ohio, and to permit husband and wife to testify in each other's behalf in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7284 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 7284. No person shall be disqualified as a witness in any criminal prosecution by reason of his interest in the event of the same, as a party or otherwise, or by reason of his conviction of any crime; and husband and wife shall be competent witnesses to testify in behalf of each other in all criminal prosecutions; but such interest, conviction, or relationship may be shown for the purpose of affecting his or her credibility. But husband or wife shall not testify concerning any communication made by one to the other, or act done by either, in the presence of each other during coverture unless the communication was made, or act done in the known presence or hearing of a third person competent to be a witness or unless in case of personal injury by either the husband or wife to the other; and the rule shall be the same if the marital relation has ceased to exist; provided, that the

Who competent to testify.

presence or whereabouts of the husband or wife shall not be construed to be an act under this section.

SECTION 2. That section 7284 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 419.]

AN ACT:

To amend section 1521 of the Revised Statutes of Ohio, as amended April 8, 1880 (77 O. L., 135), relating to assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1521 of the Revised Statutes of Ohio, as amended April 8, 1880 (77 O. L., 135), be and is amended so as to read as follows:

Assessor re-
quired to ad-
minister an
oath.

Sec. 1521. The assessor is authorized and required to actually administer an oath, as required by law, to every person upon whom he calls to list property for taxation, and to personally urge and insist upon a strict compliance with law in the making of said list. Should the assessor neglect to administer said oath, or knowingly omit the performance of any other duty, he shall be guilty of a misdemeanor, and for every such offense he shall, upon conviction, be fined not less than ten nor more than two hundred dollars, and stand committed until the fine and costs are paid, but shall not be liable for failure to administer such oath if such person decline to take such oath or is unable from sickness or absence.

SECTION 2. That section 1521 of the Revised Statutes, as amended April 8, 1880 (77 O. L., 135), be and the same is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 540.]

AN ACT

To supplement sections 6951 and 6984a of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first grade of the second class, it shall be the duty of the city solicitor, or assistant city solicitor, to prosecute in the mayor's court, or police court, all cases brought under section 6951 and section 6984a of the Revised Statutes. Provided, that nothing herein contained shall be so construed as to deprive said society of the right of prosecuting such cases under existing state laws.

Duty of city
solicitor in
certain cases.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 313.]

AN ACT

To prevent discrimination by life insurance companies against persons of color.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no life insurance company now organized or doing business, or that may hereafter be organized and do business within this state, shall make any distinction or discrimination between white persons and colored, wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons; nor shall any such company demand or require greater premiums from such colored persons than are at that time required by such company from white persons of the same age, sex, general condition of health and hope of longevity; nor shall any such company make or require any rebate, diminution or discount upon the sum to be paid on such policy in case of the death of such colored person insured, nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself or his heirs, executors, administrators and assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon white persons in similar cases; and any such stipulation or condition so made or inserted shall be void.

Insurance
companies for-
bidden to dis-
criminate
against per-
sons of African
descent in the
rate of
premiums.

What shall be done when application of persons of color is refused.

SECTION 2. Any such company which shall refuse the application of any such colored person for insurance upon such person's life, shall furnish such person with the certificate of some regular examining physician of such company who has made examination of such person, stating that such person's application has been refused, not because such person is a person of color, but solely upon such grounds of the general health and hope of longevity of such person as would be applicable to white persons of the same age and sex.

Penalty for violating this act.

SECTION 3. Any corporation, or the officer or agent of any corporation, violating any of the provisions of this act, either by demanding or receiving from such colored person such different or greater premium, or by allowing any discount or rebate upon the premiums paid or to be paid by white persons of the same age, sex, general condition of health and hope of longevity, or by making or requiring any rebate, diminution or discount upon the sum to be paid upon a policy in case of the death of such colored person insured, or by failing to furnish the certificate required by section second, shall for each offense be fined not less than one hundred nor more than two hundred dollars. But nothing in this act shall be so construed as to require any agent or company to take or receive the application for insurance of any person.

SECTION 4. This act shall take effect upon its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 777.]

AN ACT

To amend section 2669 of the Revised Statutes, as amended April 22, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2669 of the Revised Statutes, as amended April 22, 1885, be so amended as to read as follows:

General licensing powers of council.

Sec. 2669. The council of any city or village may provide by ordinance for licensing all exhibitors of shows or performances of any kind, not prohibited by law, hawkers, peddlers, auctioneers of horses and other animals on the highways or public grounds of the corporation, venders of gun powder and other explosives, taverns and houses of public entertainment, and hucksters in the public streets or markets, and, in granting such license, may exact and receive such sum of money as it may think reasonable; but nothing in this section shall be construed to authorize any municipal corporation to require of the owner of any product of his own

raising, or the manufacturer of any article manufactured by him, license to vend or sell in any way, by himself or agent, any such article or product; provided, that in cities and villages, the council may confer upon, vest in and delegate to the mayor of such city or village, the authority to grant and issue licenses and revoke the same. Provided further, that nothing herein contained shall be construed to limit the power conferred upon cities and villages in section 1692 of said Revised Statutes.

SECTION 2. That section 2669, amended April 22, 1885, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 808.]

AN ACT

To amend section 4 of an act passed April 5, 1888 (O. L., v. 85, p. 158), entitled "an act to amend sections 1, 2, 3 and 4 of an act entitled 'an act to provide for the relief of indigent Union soldiers, sailors and marines, and the indigent wives, widows and minor children of indigent or deceased Union soldiers, sailors and marines,' passed March 4, 1887, and to amend section 4 of an act passed May 19, 1886 (O. L., v. 83, p. 232)," passed March 16, 1887 (O. L., v. 84, p. 100), and to amend section 5 of an act entitled "an act to provide for the relief of indigent Union soldiers, sailors and marines, and the indigent wives, widows and minor children of indigent or deceased Union soldiers, sailors and marines," passed May 19, 1886 (O. L., v. 83, p. 232).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4 of the above entitled act, passed April 5, 1888, be amended so as to read as follows:

Sec. 4. The soldiers' relief commission shall meet at the office of the county commissioners, or in a suitable room furnished by them for that purpose, on the fourth Monday of November of each year, and at such other times as may be necessary, and examine carefully the several lists of those reported by the trustees and councilmen, or their agents, and also the cases of all not included in the said lists, who, before and during their session, may have made application to said commission for aid under the provisions of this act; and being satisfied that those so reported or so making application as aforesaid, or any of them, are in need of assistance and are entitled thereto under the provisions of this act, shall fix the amount to be paid per month in each case to person or family. Upon the conclusion of said examination and the determina-

Duties of commission.

Disburse-
ments.

Amount may
be increased,
decreased or
discontinued.

tion of said monthly allowance, the commission shall make a complete list of those to whom relief has been so awarded, showing the monthly amount so awarded to each person, and, so far as practicable, the place of residence of each, and certify the same to the auditor of their county, who shall, within ten days thereafter, transmit to the township clerks in his county a list of the names of the persons in the respective townships, and the amount payable monthly to each; whereupon, the auditor, on the first day of each month, after said fund is ready for distribution, shall issue to the treasurer of each township, except as hereinafter provided, his warrant upon the treasurer of the county, for the amount awarded to the persons in such township, and such township treasurer shall disburse the same in the amounts and to the persons named in the list furnished to the township clerk as aforesaid, taking receipts therefor. Except that in all townships embracing a county seat and in which the office of county treasurer is kept, it shall be the duty of the county treasurer to disburse said fund to the persons named in the list to be furnished to him by the township or city clerk, the said county treasurer taking proper receipts therefor. And to each person certified by the commission to the auditor as aforesaid, and not included in any of the lists furnished to township clerks, the auditor shall issue his warrant upon the county treasurer for the monthly allowance awarded such person; provided, that such commission, upon proper cause shown, may appoint some suitable person to draw, receipt for and properly expend the allowance made to any person under the provisions of this act, for the benefit of the person to whom the allowance has been made, and the indigent members of his or her family; and, provided further, that said commission, at any meeting, may increase, decrease or discontinue any allowance heretofore awarded, which action shall be by them certified to the county auditor, who shall amend his list in accordance therewith. And in case such change relate to the allowance to any person resident in any township, the same shall be certified to the township clerk, who shall amend his list accordingly and certify the same to the township treasurer, and if the amount due said township, after such change, increase the amount allowed said township, the auditor shall issue to the township treasurer his warrant upon the county treasurer for such additional amount; and, provided further, that said commission may, at any time, in case of sickness, accident, or great destitution, upon proper evidence, grant immediate relief to any person entitled thereto, under the provisions of this act, under such rules as said commission may designate; and, provided further, that if any money so awarded as relief shall not be called for by the applicant, the said township trustees and councilmen shall, on the first Monday in December, annually, report to the commission any balance in the treasury, which amounts shall be paid into the county treasury to the credit of the relief fund; and, provided further, that "township," as designated in section two of the act passed April 5, 1888, shall include no part of a township embraced within the limits of a city.

SECTION 2. That section 4 of said act, passed April 5, 1888, be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 917.]

AN ACT

To amend section 6723 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6723 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 6723. No proceedings to reverse, vacate, or modify a judgment or final order shall be commenced unless within six months after the rendition of the judgment or [the] making of the final order complained of; or in case the person entitled to such proceeding is an infant, a married woman, a person of unsound mind or imprisoned, within six months as aforesaid, exclusive of the time of such disability.

Proceedings in error; limitations.

SECTION 2. Original section 6723 be and the same is hereby repealed; and this act shall take effect from and after the 1st day of October, 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1088.]

AN ACT

To amend section 2328 of the Revised Statutes of Ohio, as amended March 27, 1884.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2328 of the Revised Statutes, as amended March 27, 1884 (Ohio Laws, volume 81, page 87), be amended so as to read as follows:

Sec. 2328. The council shall provide by ordinance for the construction and repair of all necessary sidewalks within

Council to provide for construction and repair of sidewalks.

the limits of the corporation, and may require, by the imposition of suitable penalties or otherwise, the owners and occupants of abutting lots and lands to keep the sidewalks in repair, free from snow or any nuisance; provided, however, that in cities of the first grade of the first class, all duties and powers herein otherwise imposed on or conferred upon council in relation to sidewalks or the construction or repair of the same, shall be exercised by the board of public affairs of any such city; and it shall not be necessary to have the action or concurrence of council in any of said proceedings.

SECTION 2. That said original section 2328, as amended March 27, 1884 (Ohio Laws, volume 81, page 87), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1116.]

AN ACT

To amend section 1122 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1122 of the Revised Statutes of Ohio be amended so as to read as follows:

County treasurers pay-
ments to local
treasurers.

Sec. 1122. The county treasurer shall, immediately after each semi-annual settlement with the auditor of his county, on demand, and presentation of the warrant of the county auditor therefor, pay over to the township treasurer, city treasurer, or other proper officer, all moneys in the county treasury belonging to any township, city, village, hamlet, or school district; but if any township treasurer or other proper officer aforesaid, requires, or the trustees of any township, the council of any city, village, hamlet, or the board of education of any school district, respectively, so direct, the moneys mentioned in this section shall remain in the county treasury, to be thence drawn by the proper local treasurer on the warrant of the county auditor, in sums of not less than one hundred dollars. And if any county treasurer shall retain, or if any township treasurer, or other local treasurer shall permit to remain in the county treasury, the moneys mentioned in this section, in any other manner than herein provided, the party so offending shall forfeit and pay for every such offense a sum not exceeding one thousand dollars, nor less than one hundred dollars, to be recovered in an action at the suit of the state, for the use of the county.

SECTION 2. That said original section 1122 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1213.]

AN ACT

To define and punish the crime of riotous conspiracy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when three or more persons unite or combine together and commit any misdemeanor, while wearing white caps, masks, or other disguise, they shall be guilty of a riotous conspiracy, and, upon conviction thereof, shall each be imprisoned in the penitentiary not more than ten years nor less than two years, and fined in any sum not exceeding two thousand dollars. Riotous conspiracy.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1350.]

AN ACT

To authorize certain cities to erect and construct or purchase natural gas works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the fourth grade of the second class, having at the last federal census a population of not less than seven thousand eight hundred and seventy-five (7,875) nor more than seven thousand eight hundred and eighty-five (7,885), or that may at any time hereafter have such population, be and hereby is authorized and empowered to furnish and supply such cities and the inhabitants thereof with Authorizing certain cities, fourth grade, second class, to issue natural gas bonds.

natural gas for public and private use and consumption, and for that purpose is hereby authorized, within or without, or both, the corporate limits of any such city, from time to time, to lease or procure leases of lands for the purpose of, and sink thereon wells for natural gas, or procure such wells; to procure right of way and purchase and lay all necessary pipes; and to purchase, put in place and construct all necessary fixtures, attachments, machinery and structures, so as to make and maintain a complete system and works, and so as to make effective the powers herein named, and all acts heretofore done or agreements made by any such city, within the powers named in this act are hereby ratified and confirmed and shall have the same force and effect as if then authorized hereby.

Expenses; how paid.

SECTION 2. That to pay the cost and expense of carrying into effect and executing the powers named in the preceding section, the city council of any such city is hereby authorized to appropriate and use, from time to time, so much of any money in the city treasury, to the credit of the gas or other fund, as in their judgment will not be needed for the purposes for which the same has been or may be raised.

Certain provisions of the Revised Statutes made applicable.

SECTION 3. That the laws of this state relating to artificial gas works are, as to the construction, management and control thereof, when constructed and owned by a municipal corporation, hereby made applicable to said natural gas works, in so far as the same are not inconsistent herewith.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON;
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 333.]

AN ACT.

To authorize the board of public works to construct an aqueduct across Wolf creek, in Norton township, Summit county, Ohio.

WHEREAS, By the construction of the Ohio canal, and the raising of the level of Wolf creek about seven feet in order to make it a feeder of said Ohio canal, a very large area of land in said Summit county has been and is being overflowed by water, aggregating nearly ten thousand acres, greatly to the injury of the health and welfare of the inhabitants adjacent thereto; therefore,

Wolf creek aqueduct.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized to build and construct an aqueduct across Wolf creek, at or near where said creek formerly entered Tuscarawas river—said point to be determined and selected by the chief

engineer of the board of public works—and to be of such height, capacity, and dimensions as said chief engineer may determine, the same to be approved by the board of public works; provided, the same shall not cost to exceed the sum of six thousand dollars.

SECTION 2. Said board of public works are hereby authorized to let the whole or any part of said work by contract to the lowest bidder, or cause the same to be done under the supervision of some judicious and competent engineer, as they may deem best for the interests of the state.

Contract to be
let to lowest
bidder.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 342.]

AN ACT

To amend section 7146 of the Revised Statutes of Ohio, relative to proceedings when accused pleads guilty of misdemeanor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7146 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 7146. When a person accused of misdemeanor is brought before a magistrate, on the complaint of the party injured, and pleads guilty to the charge, the magistrate shall sentence him to such punishment as he may deem proper, within the limits of the provision defining the offense, and order the payment of costs; and if the complaint is not by the party injured, and the party accused pleads guilty, the magistrate shall require the party so accused to enter into a recognizance to appear at the proper court, as provided in case where there is no plea of guilty.

Proceedings
when accused
pleads guilty
of misde-
meanor.

SECTION 2. That said original section seventy-one hundred and forty-six be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 402.]

AN ACT

To amend section 6471 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6471 of the Revised Statutes of Ohio be so amended as to read as follows:

Bail for costs
and judgments.

Sec. 6471. That the prosecuting attorneys may, in all criminal cases prosecuted in said probate court, require the prosecuting witness to give bail for costs, and in all cases where the defendant or defendants are acquitted the court shall render judgment against said prosecuting witness, and his or her bail, unless the court shall be of the opinion that there was reasonable cause for instituting the prosecution.

SECTION 2. That original section 6471 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 426.]

AN ACT

To create section 5052a of the Revised Statutes of Ohio, relating to service of summons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be and is enacted as section 5052a of the Revised Statutes of Ohio:

Service of sum-
mons; how
made when
officer, agent,
or director is a
non-resident.

Sec. 5052a. Whenever it shall be made to appear to the satisfaction of any court of record in this state, in any action now pending, or hereafter to be brought therein, that any one named as a party defendant is a corporation organized under the laws of the state of Ohio, owning or otherwise interested in real or personal property within the jurisdiction of such court, is a proper party therein, and that there is no officer, agent, or director of such corporation within the state of Ohio upon whom service of summons in said action can be made, it shall be lawful for said court to authorize any person residing in or out of the state to make service of summons on such corporation by delivering to the last known president, or other chief officer or director of such corporation, a copy of the summons therein, and the person making such service shall make affidavit thereto, and forthwith make return to the clerk.

That whenever service of summons shall have been so made, the said service shall have the same effect, and shall be taken and held as if made upon said corporation in this state by personal service of such summons upon the proper officer, agent, or director of such corporation upon whom a service of summons is now authorized by law to be made in other cases.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 428.]

AN ACT

Providing for the purchase of arms for the cadet battalion at the Ohio soldiers' and sailors' orphans' home.

WHEREAS, The department for instruction of the male pupils of the Ohio soldiers' and sailors' orphans' home, in military training, and the formation in said institution of a cadet battalion has been proven to be a valuable addition to the course of discipline and instruction pursued in said institution; and

Preamble.

WHEREAS, By recent gifts from the sons of veterans of Ohio, a band has been organized, equipped, and attached to said battalion, thereby greatly increasing its efficiency; and

WHEREAS, The present equipment of said battalion is of regulation Springfield rifles, which, by reason of their weight, prevent the cadets from properly learning or performing the manual of arms, and materially reduces the number of youth receiving military instruction; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the adjutant-general is hereby authorized and directed to purchase, in open market, at a cost not to exceed four hundred dollars, eighty rifles, of a size and style which, in his judgment, will, as nearly as possible, compare with the cadet rifles issued by the general government; and which can be used in the tactics of the national guard.

Authorizing the purchase of arms for soldiers' and sailors' orphans' home cadets.

SECTION 2. The adjutant-general is hereby further authorized and directed to turn over said rifles to the superintendent of the Ohio soldiers' and sailors' orphans' home, for the use of said cadet battalion, taking his receipt therefor, in due form, and to receive in exchange the arms now in use by said battalion.

Duty of adjutant-general as to exchange.

SECTION 3. The superintendent of said institution shall be responsible for the proper care and safe-keeping of the arms

furnished by the state of Ohio, and shall account to the adjutant-general for the same.

Appropriation.

SECTION 4. There shall be and hereby is appropriated, out of any money to the credit of the general revenue fund not otherwise appropriated, the sum of four hundred dollars, for the purchase of arms for said cadet battalion, to be paid out of the state treasury upon vouchers approved by the adjutant-general, and drawn upon the auditor of state in the usual form.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 430.]

AN ACT

To amend sections 4957 and 1264 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4957 and 1264 of the Revised Statutes of Ohio be so amended as to read as follows:

Books to be
kept by clerk.

Sec. 4957. The clerk of the court of common pleas shall keep at least five books, to be called the appearance docket, trial docket, and printed duplicates of the trial docket, for the use of the court and the officers thereof, journal, record, and execution docket, and an index to the trial docket, and the printed duplicates of the trial docket, and journal direct, and to the appearance docket, record and execution docket, direct and reverse.

Books, stationery, etc.,
how procured.

Sec. 1264. The county commissioners shall furnish to the clerk all blank books, including the printed trial dockets, as provided for in the amendment to section 4957, blanks, stationery, and all things necessary to the prompt discharge of his duty, all which articles the clerk may procure, and shall be allowed for upon his certificate; and the clerk of courts shall not make any charge whatever for certificates made for pensioners of the United States government, or any oath administered on pension vouchers, applications, or affidavits.

SECTION 2. That said original sections 1264 and 4957 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 466.]

AN ACT

Supplementary to section 2334 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2334 of the Revised Statutes of Ohio be supplemented as follows, with sectional numbering as hereinafter provided:

Sec. 2334a. That the council of incorporated villages situate in counties containing cities of the first grade of the first class shall, upon the petition of the owners of two-thirds of the front feet of lots abutting upon any streets or portion of streets, between designated points, of such village, provide by ordinance for the construction and improvement of sidewalks along said streets or portion of streets designated between given points, of such material and width as the said petition shall designate, and the mayor shall forthwith appoint a sidewalk committee of three citizens, one of whom shall be a member of the council, and the other two from the property owners who shall petition for such sidewalk or walks, which committee shall receive no compensation for services. Said committee shall have estimates made for such work, and make the contracts therefor, which contract shall not be valid until submitted to and approved by council; and said committee shall have the entire supervision of the construction of such work, and no part of the expense thereof shall be paid by council until such work, and bills therefor, shall be approved by said committee. One-half of the cost of said sidewalk or walks shall be defrayed by said village, and the other half by the property owners upon such streets or portion of streets between designated points; provided, that such improvement may be made upon one or both sides of said streets as asked for in said petition and in the event of only one side of said streets being so improved, the ordinance shall designate which and what parts thereof, and provide for suitable crossings—two-sixths of the expense to be assessed upon the lots abutting upon the side of the street upon which the sidewalk is built, and one-sixth of such expense upon the lots on the opposite side of the street thereto; but after a sidewalk is so constructed on one side of a street, and the charge therefor so assessed, if it is deemed necessary to construct a sidewalk on the other or corresponding side of such street or portion of street, the charge therefor shall be assessed in a similar manner on both sides of the street or portion of street; provided, that nothing in this section contained shall apply to any improvement ordered commenced or completed prior to the passage of this act.

Sidewalks;
how constructed in certain villages.

Sec. 2334b. Whenever an improvement is ordered by the council, and made under the provisions of the foregoing section, the council shall, if so requested in the petition therefor, or may, in its own discretion, provide for the payment of the expenses thereof, which are chargeable upon the abutting

When council shall assess costs of construction upon abutting property.

property, in equal annual installments, and make corresponding annual assessments therefor on such property, if such mode of payment shall be requested by the property owners, or otherwise ordered, the council shall be authorized and required to issue the bonds of said village, corresponding in amount and time of payment, with such annual installments, and bearing a rate of interest not exceeding six per cent, which may be given at not less than par to the contractors who may have made such improvement, in payment of the cost thereof, or may be sold at not less than par, and the proceeds thereof applied to the same purpose. And council shall assess upon such abutting property an amount which will be sufficient to provide, in annual installments, for the payment of such bonds and interest as they shall mature, and the necessary expenses; and such assessment shall be certified, and be a lien upon the assessed property.

Bonds.

Sec. 2334c. The council of any village coming under the provisions of this act is hereby authorized to borrow money, not exceeding twenty-five thousand dollars, at such times and in such amounts as may be required for the purpose of defraying one-half of the cost of said sidewalks, as hereinbefore provided, and the council of said village is hereby empowered to issue bonds of the village for the money so borrowed, said bonds to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and said bonds shall be of such denominations, and shall mature at such times, as the council may determine; provided, said bonds shall not be sold for less than their par value. Said council is hereby authorized to levy such amount of tax, in addition to the tax now allowed by law, upon the taxable property of said village, as may be necessary to pay the interest and principal of such bonds when the same become due; said tax to be levied and collected in the same manner as taxes for general purposes are levied and collected.

Levy of tax.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 506.]

AN ACT

To amend section 1689 of the Revised Statutes, as amended January 30, 1885 (O. L., vol. 82, page 15), relative to election precincts in cities and villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1689 of the Revised Statutes, as amended January 30, 1885 (O. L., vol. 82, p. 15), be so amended as to read as follows:

Sec. 1689. Whenever the electors in any ward of any city exceed seven hundred and fifty, the council shall divide the ward into as many voting precincts as it may deem proper, and the combined vote of such precincts shall be returned as the vote of the ward, and whenever the electors in any village exceed seven hundred and fifty, the council may divide the village into as many voting precincts as it may deem proper, and the combined vote of such precincts shall be returned as the vote of the village; but this section shall not apply when provision is otherwise made by law.

Voting pre-
cincts.

SECTION 2. Section 1689, as amended January 30, 1885 (O. L., vol. 82, p. 15), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first day of May, 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 526.]

AN ACT

To provide for the election of officers in municipal corporations which have failed to elect any for one or more years, and are now without any officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever there has been in any municipal corporation, a failure to hold an election for municipal offices for such corporation for one or more years, so that such corporation is now without any officers whatever, it shall be lawful for the qualified voters of such municipal corporation to hold an election to fill the vacancies that exist in the elective offices of such corporation. Such election shall be held at the time provided by law for holding the annual municipal election, at the township hall within such corporation, if there be one, and if not, at some other public place within the corporate limits. The voters of said corporation who meet to open the polls at such election, shall select by a viva voce vote the judges and clerks of such election, who shall be sworn to perform their duties as such, by any officer authorized to administer oaths, and shall conduct said election according to the ordinary mode of holding elections in other such corporations, and the said judges and clerks, who shall canvass said vote and declare the result, shall certify under their hands who have been elected to the different offices of such corporation, and no further or other returns shall be necessary in order to make the election of said officers legal. That thereupon said officers shall qualify and enter upon the performance

Providing for
the election of
officers in cer-
tain municipi-
palities.

of their duties, the same as if they had been regularly elected to fill said offices at said election, and shall hold their offices for the full term thereof, under the laws as they then exist as to such offices. That at the first meeting of the council of such corporation, the members elected shall take the oath now provided for members of councils of such corporations, which may be administered by any one authorized to administer oaths, and they shall then be called to order by the oldest member, and he shall preside until the council shall be organized by the election of the officers now provided by law for such councils; and thereafter such councils, and the officers elected of such corporation, shall have the same powers and be in all respects governed by the same provisions of the statutes as other councils and officers of municipal corporations when no such vacancies exist.

SECTION 2. This act shall take effect and be in force from and after January 1st, (1890), eighteen hundred and ninety.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 82.]

AN ACT

To amend sections 6053 and 6057 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 6053 and 6057 of the Revised Statutes of Ohio be amended so as to read as follows:

Proceedings
when property
of estate con-
cealed, or em-
bezzled.

Sec. 6053. Upon complaint made to the probate court of any county, by the executor, administrator, creditor, devisee, legatee, heir, or other person interested in the estate of any deceased person, or by the creditor of any devisee, legatee, heir, or other person interested in such estate, against the executor or administrator of such deceased person, or against any person or persons suspected of having concealed, embezzled, or conveyed away any of the moneys, goods, chattels, things in action, or effects of such deceased, the court shall cite said executor or administrator, or such other person or persons suspected, as the case may be, forthwith to appear before it, and to be examined on oath touching the matter of said complaint.

Judgment of
court
thereon.

Sec. 6057. The court shall determine by the verdict of a jury, if either party require it, or without a jury, if neither party require the same, whether the person or persons accused is, or are guilty of either having concealed, embezzled, or conveyed away any moneys, goods, chattels, things in action, or effects of the deceased persons aforesaid, and if found guilty, the amount of damages that should be recovered on account

thereof, and the court shall forthwith, in all cases except when the person found guilty as aforesaid is the executor or administrator of such deceased person, render judgment in favor of the executor or administrator of the estate, or if there be no executor or administrator in this state, in favor of the state, against the person or persons so found guilty for the amount of the moneys or the value of the goods, chattels, things in action, or effects so concealed, embezzled or conveyed away, together with ten per centum penalty, and all costs of such proceedings or complaint; which said judgment shall be a lien upon the real estate of the person or persons against whom it is rendered within the county from the rendition thereof. And if the person found guilty as aforesaid is the executor or administrator of such deceased person, the court shall forthwith render like judgment in favor of the state against said executor or administrator for such amount or value aforesaid, together with a like penalty and the costs as aforesaid; and said judgment shall be a lien upon the real estate of said executor or administrator, within the county from the rendition thereof, and the court shall forthwith remove said executor or administrator and commit the administration of the estate, not already administered, to some other person or persons. Said executor or administrator so removed shall receive no compensation for acting as such, and shall be charged in his account with the amount of said judgment aforesaid, and his property shall also be liable for the satisfaction of said judgment on execution issued thereon by his said successor, who shall file a transcript with the clerk of the court of common pleas, and cause such proceedings to be had as are contemplated in section 6058 of the Revised Statutes.

SECTION 2. That said original sections 6053 and 6057 are hereby repealed; and this act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 934.]

AN ACT

To regulate the burial of the dead in villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That villages shall not have the power to prohibit the interment of the dead in any cemetery within such village, unless it shall be satisfactorily shown that such interring is detrimental to the health of its inhabitants and general prosperity of such villages.

Regulating the
burial of the
dead in vil-
lages.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1236.]

AN ACT

To amend section 773 of the Revised Statutes of Ohio, as amended April 11, 1882, relating to the management of the girls' industrial home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 773 of the Revised Statutes of Ohio, as amended April 11, 1882, be amended so as to read as follows:

Detention and
discharge of
inmate of girls'
industrial
home.

Sec. 773. A girl, duly committed to the home, shall be kept there, disciplined, instructed, employed, and governed under the direction of the trustees, until she is either reformed and discharged, or bound out by them, according to their by-laws, or has attained the age of eighteen years; but the trustees, with the approval of the governor, after a full statement of the cause, shall have the right to discharge and return to the parents, guardian, or probate judge of the county from which she was committed, who may place her under the care of the infirmary directors of said county, any girl, who, in their judgment, ought for any cause to be removed from the home, and in such case the trustees shall enter upon their record the reason for her discharge, a copy of which record, signed by their secretary, shall be forthwith transmitted to the probate judge of the county from which the girl was committed; but the superintendent may, with the approval of the full board of trustees, receive back into the home any girl under twenty-one years of age, who may have been discharged from said home, when the best interests of said girl demand it.

SECTION 2. Section 773 of the Revised Statutes, as amended April 11, 1882, is hereby repealed; and this act shall be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1291.]

AN ACT

To amend section 1 of an act entitled "an act to authorize certain cities to build bridges and to issue bonds therefor," passed March 24th, 1883.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "an act to authorize

certain cities to build bridges and to issue bonds therefor," passed March 24th, 1883, be amended so as to read as follows:

Sec. 1. That any city of the third grade of the first class is hereby authorized to construct a wagon bridge or bridges, and the necessary approaches thereto, across any stream at such points within such city and in such manner as may be determined by the common council thereof; and, for the purpose aforesaid, such city is authorized to issue the bonds thereof, in the aggregate not to exceed three hundred thousand dollars (\$300,000), payable at such times as the common council of such city may determine, but not to exceed thirty years from the date of the issue thereof; said bonds to bear a rate of interest not exceeding six per centum per annum, and not to be sold for less than par and the accrued interest thereon. And for the purpose of paying said bonds, the common council of such city is hereby authorized, in addition to all other levies, to levy a tax upon all the taxable property within such city each year, for a period not exceeding thirty years, at a rate not exceeding one (1) mill in any one year, upon each dollar of the valuation of taxable property in said city. And the proceeds of such bonds shall be applied solely to the construction of such bridge or bridges and approaches, and the proceeds of the levy hereby authorized to be made, shall be by such city used and applied to the payment of said bonds and the interest thereon, and for no other purpose, all acts or parts of acts to the contrary notwithstanding.

Authorizing
certain cities
to construct
bridges and
issue bonds
therefor.

SECTION 2. That said section one of said act entitled "an act to authorize certain cities to build bridges and to issue bonds therefor," passed March 24th, 1883, be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1387.]

AN ACT

To authorize certain villages to borrow money and issue bonds therefor, for the purpose of purchasing a natural gas plant, including wells and leases of land, sinking wells for natural gas, purchasing and laying pipes, erecting necessary buildings, providing machinery, fixtures and appurtenances, and supplying such villages with natural gas for public and private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any village which by the last federal census had a population of not more than three thousand five hundred and fifty-five, and not less than three thousand five hundred

Authorizing
certain vil-
lages to borrow
money for
natural gas
plant.

and forty-five, be and the same hereby is authorized to purchase of any incorporated company the gas wells and other property of such company, within or without the corporate limits of such village, including leases of land, contracts for right of way and for other purposes pertaining to the sinking of wells on such lands, and conveying the product of such wells, to purchase or lease other lands within or without the corporate limits of such village for the purpose of sinking wells for natural gas thereon, to make contracts for the sinking of wells for natural gas and conveying the product thereof, to procure all necessary rights of way, to purchase and lay pipes or make contract therefor, to erect, construct and furnish necessary buildings, machinery and appliances for the purpose, and to supply such village and the inhabitants thereof with natural gas for public and private use.

Bonds.

SECTION 2. To provide the money necessary to carry into effect the provisions of the first section of this act, the council of any such village is hereby authorized and empowered to borrow not more than eighty thousand dollars, and issue the bonds of the village therefor. Such bonds shall be issued according to the provisions of an ordinance to be passed for that purpose by the council of said village, in denominations of not less than five hundred nor more than one thousand dollars, payable at such place and at such times not exceeding fifteen years from the date of issue, as the council in and by said ordinance may determine, and shall bear interest not exceeding six per cent. per annum, payable semi-annually. They shall in all cases express upon their face the purposes for which and the act under which they were issued, and shall have coupons attached representing the interest to accrue thereon. They shall be signed by the mayor and countersigned by the clerk of such village, with the seal of the village impressed thereon, and shall be sold according to law, for not less than their par value.

Levy tax.

SECTION 3. If the revenues derived from the sale of gas be not sufficient to meet the principal and interest of said bonds as they become due, then the council of such village is hereby authorized and required to levy annually a tax not exceeding five mills on the dollar on the taxable property of such village, in addition to the taxes now authorized by law, for the purpose of providing for the payment of the principal and interest of such indebtedness, or so much thereof as the net proceeds realized from sales of gas may prove insufficient to pay; and after said indebtedness shall have been completely extinguished, the income from the sale of gas shall be applied to such municipal purposes as the council may direct.

Trustees.

SECTION 4. In any such village, availing itself of the provisions of this act, the mayor shall, with the advice and consent of the council, appoint five trustees, to be known as trustees of natural gas works, one to serve for one year, one for two years, one for three years, one for four years, and one for five years, and not more than three of such trustees shall belong to one political party. All vacancies in said board of trustees shall be filled by appointment in the manner afore said.

SECTION 5. The said trustees shall have charge of the property aforesaid after the same shall have been purchased by the council, and shall manage and control the same, make all necessary contracts in relation to the construction and completion of the plant and for the sale and delivery of gas to consumers, fix the price of gas under such rules and regulations as the council, by ordinance, may prescribe, and exercise the powers and perform the duties of trustees of artificial gas works as provided by law. They shall have charge of the collection of gas bills, and for that purpose may appoint a secretary and prescribe his duties and compensation, and they may also appoint a superintendent and prescribe his duties and compensation, but the appointment of such officers and the amount of their compensation shall be subject to the approval of the council, and such officers shall give bond for the faithful discharge of their duties in such sum as said trustees may require.

Duty of trustees.

SECTION 6. All moneys collected under the authority of said trustees shall be by the secretary accounted for and paid over to the treasurer of such village monthly, and said treasurer shall keep an account with said trustees, charging all moneys so received by him to the natural gas fund of such village and paying therefrom such orders as may be drawn by the president and secretary of said board of trustees for all expenses incurred by said trustees in the construction and operation of such gas works. Said trustees shall report to the council as often as required concerning the matters under their control as aforesaid, and the secretary of said board of trustees shall, whenever required by ordinance so to do, submit to the council a detailed statement of the receipts and disbursements by said trustees, and of the condition of said natural gas fund, and any surplus in said fund, after payment therefrom of the expenses incurred by said trustees, shall be under the control of the council, and shall be transferred, at the annual settlement in March of each year, to the sinking fund of said village, and applied only to the payment of the principal and interest of said bonds until the same shall have been fully paid, and then the same may be transferred to such fund and applied to such municipal purposes as the council may deem proper.

Accounts; how kept.

SECTION 7. This act shall take effect upon its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 312.]

AN ACT

To conform sections 5707, 5708, 5710, 5711, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5963, 5964, 5965, and 5966, of the Revised Statutes of Ohio, to the act of March 19, 1887 (84 v., 132).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 5707, as amended February 9, 1888 (85 v., 17), 5708, 5710, as amended April 22, 1885 (82 v., 142), 5711, 5713, 5714, 5715, 5716, 5717, 5718, 5719, as amended March 13, 1882 (79 v., 37), 5720, 5721, 5722, 5723, 5724, 5725, 5963, as amended April 17, 1880 (77 v., 307), 5964, 5965, and 5966 of the Revised Statutes of Ohio, are so amended as to read as follows:

How dower
may be
assigned.

Sec. 5707. When the lands of a deceased person are not incumbered by mortgage, or by judgment obtained against such decedent during life, the heir, or guardian of any heir, or other person having the next immediate estate of inheritance, may assign to the widow or widower dower therein, by writing, under his hand, particularly describing the same, which, if approved in writing on the deed of assignment by the probate judge of the county, and also by the probate judge of the county appointing such guardian, and accepted by the widow or widower, in writing thereon, shall be a good assignment in law.

Petition for
dower.

Sec. 5708. A widow or widower may file a petition for dower, in the common pleas court, against the heir, or other person having the next immediate estate of inheritance, or any other estate or interest therein, setting forth the right thereto, and describing the tracts of land in which dower is claimed; and the court, on the hearing, shall render such judgment as to it appears just, and consistent with the rights of all the parties interested therein.

Proceedings
when land
situated in
different
counties.

Sec. 5710. When the lands lie in several counties the petition may be filed in any county wherein a part of the estate is situated, and the common pleas court of such county shall have complete jurisdiction, and may order the whole dower of such widow or widower to be assigned in any one or more of such counties, and out of any one or more of such tracts of land, if the same may be done without prejudice to the rights of any person claiming title to or holding a lien on such land.

Proceedings in
case of death of
plaintiff before
assignment.

Sec. 5711. When the plaintiff dies before the assignment of dower, or before entry of the final judgment, the action may be revived in the name of the executor or administrator; the court shall proceed to hear and determine, if not before decided, whether the plaintiff would have been entitled to dower in such action; if it be found that the plaintiff would have been so entitled, the court shall adjudge in favor of such executor or administrator a sum equal to one-third of the rental value of the real estate in which it is found the plaintiff would have been entitled to dower, from the time of filing the

petition until death, after deducting one-third of the necessary expenses; and the sum so adjudged in favor of such executor or administrator shall be a lien upon the real estate in which such plaintiff would have been entitled to dower, and its payment may be enforced by sale [as] upon execution.

Sec. 5713. The commissioners and sheriff shall in all things obey the order, and return their proceedings thereon to the court at such time as the court appoints; if the court approve the assignment it shall be entered on the records thereof, and shall be thenceforth valid and effective in law; and execution shall thereupon be issued, directing the sheriff of the county to put the widow or widower in full possession of the dower assigned.

Proceedings upon return of assignment of dower.

Sec. 5714. When an estate of which a widow or widower is dowable is entire, and no division thereof can be made by metes and bounds, dower shall be assigned as of a third part of the rents, issues, and profits thereof, to be computed and ascertained by the commissioners.

How dower assigned when estate indivisible.

Sec. 5715. The commissioners shall, after they have set off and assigned dower, make a just and true appraisement of the yearly value, after deducting necessary expenses, of the real estate in which the widow or widower is entitled to dower, estimating such value from the day of filing the petition to the day of assignment of dower, and make return of such appraisement and assignment, and the court shall adjudge the payment of one-third of the whole sum so returned, to the widow or widower, out of the real estate not covered by the dower, upon which judgment execution may issue; but nothing herein contained shall be so construed as to require execution to be issued against such of the defendants in dower as are minors, but in all such cases the dower shall operate as a lien upon the real estate, for their proportion of the judgment, until the same is fully paid.

Dower during pendency of petition.

Sec. 5716. The commissioners, in making the appraisement of the yearly value of the real estate provided for in the last section, shall exclude all permanent or valuable improvements made thereon after the deceased consort of such widow or widower ceased to be the owner thereof.

Exemptions in estimating yearly value of dower.

Sec. 5717. If, during the minority of an heir, dower be assigned to a widow or widower not entitled thereto, or, if the same was recovered by the default, fraud, or collusion of the guardian, such heir may, on coming of age, have an action against such widow or widower to recover the lands wrongfully awarded.

Minor heir not to be prejudiced by collusive assignment of dower.

Sec. 5718. If resistance be made to the petition of a person claiming dower, and the court find that such person is entitled to dower as claimed in the petition, the defendant so resisting shall be required to pay all costs of the suit; but if no resistance be made, the plaintiff shall pay one-third of the costs, and the legal owner of the real estate shall pay two-thirds thereof.

Who to pay costs.

Sec. 5719. In actions for partition, when the estate can not be divided, and is ordered to be sold, and in actions for

May elect to be endowed out of proceeds of sale.

the sale of real estate by executors, administrators, and guardians, and in all other actions and proceedings wherein the court may order the sale of real estate to satisfy any judgment or decree, the widow or widower of any decedent who has a dower interest therein, being a party, may file an answer, and waive the assignment of dower by metes and bounds, and ask to have the estate sold free of dower, and to have allowed, in lieu thereof, such sum of money out of the proceeds of the sale as the court deems the just and reasonable value of the dower interest therein.

Election by answer is a release of dower.

Sec. 5720. The answer of the widow or widower shall have the same force and effect, and shall be taken and held to be, in all respects, as a deed of release to the purchaser of such estate of the dower interest therein of such widow or widower.

Guardian may elect for widow or widower.

Sec. 5721. The guardian of a widow or widower who has been adjudged insane may appear and answer for such insane person in such action, subject to the approval of the court in which the action is pending; and the answer of the guardian shall have the same force and effect as if the widow or widower answered personally; but the guardian shall be liable to the widow or widower, or the heirs, for all damage or loss sustained by his fraud or collusion, notwithstanding the approval of the court.

Petition to discharge land of dower of insane person.

Sec. 5722. A person owning real property in this state, incumbered by the contingent or vested right of dower of an insane person, may apply, by petition, to the common pleas court of the county in which the real estate, or any part thereof, is situated, making defendants thereto such insane person, and also the husband or wife and guardian, if such person has either or both, for leave to sell all or any part thereof, discharged and unincumbered of such contingent or vested right of dower, which petition shall set forth the insanity of the person, together with a description of the land proposed to be sold; the court shall thereupon appoint a committee of six competent men, of whom at least three are physicians, who shall, under oath, inquire into the fact of the insanity of such person, and shall hear testimony to be produced by the husband, wife, or guardian, or, if there is no such guardian, by a guardian ad litem, to be appointed by the court in the action; and the committee shall, at any term of such court, make a report, in writing, of the result of their investigation, signed by the members thereof.

Inquest of lunacy.

Sec. 5723. If the committee report unanimously that such person is, in their opinion, permanently insane, the court shall appoint three judicious freeholders to appraise the real estate described in the petition, whether the same is in one or several counties, who shall report in writing the value of each tract.

Proceedings on report of such facts to court.

Sec. 5724. Upon the filing of such report the court may direct such petitioner to convey, by good and sufficient deed of conveyance, to the insane person, to be held by such person in fee, such proportion of the real estate described in the petition as shall to the court seem just and proper, or the court may assign to such insane person, to be held by such person

during life, after the death of the husband or wife of such insane person, such proportion of the real estate described in the petition as shall to the court seem just and proper, for the support of such insane person, or the court may order the petitioner to invest an amount, to be by it fixed, in the stock of a company, or stocks created by the laws of this state, as by the court may be designated, the profits and dividends arising from such investment to be applied to the support and maintenance of the insane person after the death of the husband or wife of such insane person; and the petitioner may, upon his compliance with the order of the court, sell all the real property the petitioner is possessed of, described in the petition, free and unincumbered of the contingent or vested right of dower of such insane person.

Sec. 5725. When the husband or wife of an insane person conveys any real estate in this state, in which such insane person has a contingent or vested right of dower, by virtue of such ownership of the husband or wife, or otherwise, and the insane person does not join the husband or wife in such conveyance, the husband or wife may apply by petition to the common pleas court of the county in which the insane husband or wife resides, or, if the insane husband or wife resides out of the state, then in the county in which the real estate is situated, for leave to have any part or all of such real estate so conveyed released of the dower right therein, which petition shall set forth the insanity of the husband or wife, and a description of the land proposed to be affected; to which petition the insane person, the guardian, if there is one, and all persons in interest, shall be made defendants, and the petition shall be proceeded in, in all respects, in the manner prescribed in the three preceding sections, except that instead of ordering the petitioner to sell the real estate, or to convey or assign to such insane person any part thereof, the court shall direct the petitioner to make such investment as is provided in the preceding sections, or may require the petitioner to secure the amount to the use of the insane person by mortgage of unincumbered real estate of at least double the value thereof; and upon compliance by the petitioner with the order of the court, the court shall enter a judgment releasing and discharging the real estate from the incumbrance of such contingent or vested right of dower, and shall adjudge the holder of the legal title, or other party liable, to pay to the petitioner any sum withheld or retained as indemnity against such dower right.

Dower of insane may be barred.

Sec. 5963. If any provision be made for a widow or widower in the will of the deceased consort, the probate court shall, forthwith, after the probate of such will, issue a citation to such widow or widower to appear and elect whether to take such provision, or be endowed of the lands of the deceased consort and take the distributive share of the personal estate; and such election shall be made within one year from the date of the service of the citation aforesaid; provided, that if a proceeding to contest the validity of any will be commenced within such year, the widow or widower shall be entitled to make such election within three months after such proceedings shall have been finally disposed of,

Citation to make election

sustaining such will; but the widow or widower shall not be entitled to both, unless it plainly appears by the will to have been the intention that the widow or widower should have such provision in addition to the dower and such distributive share.

Election or
non-election
and its effect.

Sec. 5964. The election of the widow or widower to take under the will shall be made in person, in the probate court of the proper county, except as hereinafter provided; and on the application by a widow or widower to take under the will, it shall be the duty of the court to explain the provisions of the will, the rights under it, and by law in the event of a refusal to take under the will. The election of the widow or widower to take under the will shall be entered upon the minutes of the court; and if the widow or widower shall fail to make such election, the widow or widower shall retain the dower, and such share of the personal estate of the deceased consort as the widow or widower would be entitled to by law in case the deceased consort had died intestate, leaving children. If the widow or widower elect to take under the will, the widow or widower shall be barred of dower and such share, and take under the will alone, unless as provided in the next preceding section; but such election by the widow or widower to take under the will shall not bar the right to remain in the mansion of the deceased consort, or the widow to receive one year's allowance for the support of herself and children, as provided by law, unless the will shall expressly otherwise direct.

Election when
person unable
to appear or
non-resident.

Sec. 5965. If the widow or widower of the testator shall be unable to appear in court by reason of ill health, or is not a resident of the county in which such election is required to be made, the probate court shall, on an application made in behalf of such person, issue a commission, with a copy of the will annexed, directed to any suitable person, to take the election of such widow or widower, to accept the provisions of such will in lieu of the provisions made by law; and it shall be the duty of the court in such commission to direct such person to explain the rights of such widow or widower under the will, and by law.

Election of
insane or im-
becile; how
made.

Sec. 5966. If the widow or widower of any testator shall be unable to make an election by reason of unsoundness of mind, the probate court shall, as soon as the facts shall come to the knowledge of the court, at any time within one year after the death of the testator, appoint some suitable person to ascertain the value of the provision made by the testator for such widow or widower in lieu of the provisions made by law, and the value of the rights by law in the estate of the deceased consort; and if the court shall be satisfied, on the return of the report of the person appointed to make such investigation, that the provision made by the testator for the widow or widower, in the will, is more valuable and better than the provision by law, the court shall record upon its minute book an entry that such insane or imbecile widow or widower, by virtue of the proceeding herein provided, elects to take under the will of the deceased consort, which election,

when so entered, shall have the same force and effect as an election made by one not under such disability.

SECTION 2. That sections 5707, as amended February 9, 1888 (85 v., 17), 5708, 5710, as amended April 22, 1885 (82 v., 142), 5711, 5713, 5714, 5715, 5716, 5717, 5718, 5719, as amended March 13, 1882 (79 v., 37), 5720, 5721, 5722, 5723, 5724, 5725, 5963, as amended April 17, 1880 (77 v., 307), 5964, 5965, and 5966, of the Revised Statutes of Ohio, are repealed.

SECTION 3. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 380.]

AN ACT

To supplement section 3835 of the Revised Statutes of the State of Ohio, with sectional numbering as follows, relating to building and loan companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3835 of the Revised Statutes be supplemented, with sectional numbering as follows:

Sec. 3835g. No officer, director, trustee, attorney, agent, servant, or member of such corporations shall use or dispose of any part of the funds of such corporations, or assign, transfer, cancel, deliver up, or acknowledge satisfaction of, any bond, mortgage, or other written instrument belonging to such corporations, or raise money otherwise, or receive money from any member or other person for and in the name of such corporations, unless duly authorized to do so by the board of directors of such corporations; and any one guilty of a violation of this section shall be liable, civilly, to the party injured, to the extent of such damage thereby incurred, and suit may be brought against such persons, and the sureties on their bonds given to such corporations for the faithful performance of their duties, and shall also be liable to an indictment for a felony, or misdemeanor, as the case may be, punishable by fine or imprisonment, or both, in the discretion of the court by which he shall be tried.

Penalty for unlawful use of funds or property.

Sec. 3835h. The financial or first secretary of such corporations shall, annually, at the end of each fiscal year of such corporation, make a full and detailed report, in writing, of the financial affairs and condition of said corporation to the board of directors. Such report shall be verified by the oath or affirmation of such financial or first secretary that the said report is true, and corresponds with the accounts in the books

Annual report of financial condition by secretary.

of such corporation; and any willful false swearing to such report shall be deemed perjury, and shall be subject to the prosecutions and punishments prescribed by law for that offense. Every such report shall be made within thirty days after the day to which it relates, and shall be in such form, and contain such statement, returns, and information, as to the affairs, business, condition, obligations, and resources of such corporation as the board of directors, from time to time, may prescribe and require. No director shall be surety on the bonds of any officer or employe of such corporation, given to such corporation for the faithful discharge of their duties.

Dues.

Sec. 3835i. Such corporations shall be authorized to provide, in their constitutions and by-laws, for the manner of paying dues on shares, after notice of withdrawal has been filed by members, with the financial or first secretary of such corporations; they may provide that the payment of dues on such shares may cease when such notice has been filed, or that the payment of dues on such shares shall be continued until the shares are redeemed and canceled by such corporations; the board of directors may, in all cases of sickness, death, or disability, release such members from payment of dues on shares, after notice of withdrawal has been filed; all withdrawals of shares shall be paid by the corporation in their regular numerical order, as the application for withdrawal has been filed with the financial or first secretary; also the manner of dissolution of such corporations; also the time and manner when all loans made and awarded previous to such dissolution shall become due and payable.

SECTION 2. This act shall take effect and be in force on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 433.]

AN ACT

To amend sections 2784, 2804, and 2805, as amended April 10 and 16, 1888 (85 O. L., pp. 173 and 328), of the Revised Statutes, relating to taxing personal property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2784, 2804, and 2805, as amended April 10 and 16, 1888, of the Revised Statutes, be amended so as to read as follows:

Assessors to
return fact
when parties
refuse to swear.

Sec. 2784. The assessor shall, in every case in which any person, company, or corporation refuses or neglects to make return, or, on being requested to do so, refuses or neglects to

swear to the same, shall return the fact of such refusal or neglect by the words "refused to list," or "refused to swear," as the case may be; and in every such case, and in every case in which any company or corporation whose duty it is to make return of taxable property to the auditor refuses or neglects to make or verify such return, the auditor shall add to the amount returned, or ascertained, fifty per centum of such amount, and the amount thus increased shall be the basis of taxation for that year.

Sec. 2804. There shall be an annual county board for the equalization of the real and personal property, moneys, and credits in each county, exclusive of cities of the first and second class, to be composed of the county commissioners and county auditor, who shall meet for that purpose at the auditor's office, in each county, on the Wednesday after the third Monday in May, annually. Said board shall have power to hear complaints, and to equalize the valuation of all real and personal property, moneys, and credits within the county, and shall be governed by the rules prescribed for the government of decennial county boards for the equalization of real property; provided, that said board shall not reduce the value of the real property of the county below the aggregate value thereof as fixed by the state board of equalization, nor below its aggregate value on the duplicate of the preceding year, to which shall be added the value of all new entries and new structures over the value of those destroyed as returned by the several township assessors for the current year; provided further, that except as to new structures, and structures destroyed, and lands and lots brought onto the tax list since the preceding decennial state board of equalization, the annual county board shall not increase or reduce the valuation of any real estate, except in cases of gross inequality, and then only upon reasonable notice to all persons directly interested, and an opportunity for a full hearing of the question involved. Said board is authorized, by its president, or presiding officer pro tem., to administer oaths, call persons before them, and examine them under oath as to their own or other's property, moneys, credits, and investments to be placed on the duplicate for taxation, or the value thereof, and order any property, moneys, credits, or investments to be placed on the duplicate, which have not been listed for taxation, and fix the value thereof according to law, and increase the valuation of such property, moneys, credits, and investments as have, in their judgment, been listed at less than their true value in money, and reduce the value of such as have been appraised above their true value in money; and if any person notified to appear before them refuse or neglect to appear at the time required by said board, or, appearing, shall refuse to be sworn, or to answer any question put to him by said board, or by its order, the presiding officer of said board shall make complaint thereof, in writing, to the probate judge of the county, who shall proceed against such person in the same manner as is provided for in section twenty-seven hundred and eighty-three of this title; and the said board shall call each assessor before them, at least one day in each year,

Board of
equalization
powers and
duties.

to aid them in their duties, and to furnish them information relative to the lists returned by him; and it shall be the duty of each assessor to appear before said board at least one day in each year, at the time required, and to furnish them with such information as he can pertinent to the matters coming before them.

How constituted and organized.

Sec. 2805. In each city of the first and second class there shall be an annual board for the equalization of the value of real and personal property, moneys, and credits in such city, to be composed of the county auditor, and six citizens of such city appointed by the council thereof; the first appointments to be two for one year, two for two years, and two for three years, except in cities in which such boards are already organized, when two shall be appointed for three years, and two shall be thereafter annually appointed for three years; and all vacancies shall be filled for the unexpired term; provided, that the provisions of this act shall not affect any person or persons heretofore appointed, and now in office, during the time for which they shall have been appointed. Said board shall have all the powers, and be governed by the rules, provisions, and limitations prescribed in the next preceding section for the annual county board; each member of said board is authorized to administer oaths, and said board is empowered to call persons before them, and examine them, under oath, in regard to their own or others' property, moneys, credits, and investments, and the value thereof, and to equalize the value of real and personal property, moneys, credits, and investments within such city, and to order any property, credit, or investment to be placed on the duplicate for taxation, and fix the value thereof, according to law, which has not been listed for taxation, and to increase the value of such property, moneys, credits, and investments, as have, in their judgment, been listed at less than their true value in money, and to reduce the value of such property, moneys, credits, or investments as have been appraised above their true value in money, and shall annually meet, at the office of the county auditor, on the fourth Monday in May, except in cities of the first and second grade of the first class, when it shall meet on the fourth Monday in May, and shall close its session on or before the second Monday of September, except that in cities of the third grade of the first class, and in cities of the first and second grades of the second class, and cities having a population of twenty thousand and over by the last federal census, and which have not been by ordinance advanced to a city of the second grade of the second class, said board shall close its session on or before the first Monday of August; and in cities of the third and fourth grades of the second class, said board shall close its session on or before the fourth Monday of June next following. For each day necessarily employed in the performance of their duties, the members of said board shall each receive, in cities of the first class, and the first and second grades of the second class, and in cities having a population of twenty thousand and over, ascertained as aforesaid, and which have not been advanced to a city of the second grade of the second class, the sum of five dollars per day, and in

Compensation.

cities of the third and fourth grades of the second class, the sum of three dollars per day, and in cities of the third and fourth grades of the second class, not county seats, the members of such board shall receive, in addition to the sum of three dollars per day, ten cents per mile traveling expenses going to the said county seat; and in cities of the first class, first grade, the auditor shall receive no compensation as a member of the board, but the board may appoint all necessary messengers and clerks, not exceeding six of each, who shall receive three dollars per day for their services, for the time actually employed, which shall be paid out of the county treasury. The county auditor may act by his deputy or chief clerk in all city boards of equalization, and, in addition to the clerks herein authorized, the auditor of the county having a city of the first grade of the first class shall appoint a clerk, who shall be styled the chief clerk of the board of equalization, at a salary of five dollars for each day's services performed; and such boards shall each have the same powers as are conferred upon annual county boards by the next preceding section, and upon complaint of the presiding officer thereof to the probate judge, the same proceedings shall be had against persons notified, and neglecting or refusing to appear before them, or refusing to swear, or answer questions, as is provided in section two thousand seven hundred and eighty-three; and county solicitors, or, where there is no such office, the prosecuting attorney of the county shall act as the legal adviser and attorney for the county board, and the city solicitor of the city board of equalization.

SECTION 2. That sections 2784, 2804, and section 2805, as amended April 10 and 16, 1888 (85 O. L., pp. 173 and 328), of the Revised Statutes, be and are hereby repealed; and this act shall take effect upon its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 438.]

AN ACT

To amend section one of an act entitled "an act to amend section one of an act passed and took effect April 16, 1867, entitled 'an act to authorize and require the payment of bounties to volunteer soldiers,'" passed April 16, 1860 (77 v., p. 294).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act to amend section one of an act passed and took effect April 16, 1867, entitled 'an act to authorize and require the payment of

bounties to volunteer soldiers," passed April 16, 1880 (77 v., p. 294), be so amended as to read as follows :

Bounty for re-enlisted veteran volunteers.

Sec. 1. That the commissioners of the several counties, the trustees of the several townships, and the city council of the several cities of this state, are hereby authorized and required to issue to each re-enlisted veteran volunteer who has heretofore been credited, as shown by the muster and descriptive rolls, or otherwise, upon the quota of such county, township, or city, or any ward of such city, under any requisition of the president of the United States for volunteers during the late rebellion, and who has not received any local bounty upon said enlistment, a warrant for the sum of one hundred dollars, or a bond for a like sum bearing six per cent. interest, redeemable at the pleasure of such commissioners, trustees, city councils, one year after the date thereof; and when such veteran volunteer has been credited upon the quota of the state at large, or has been so indefinitely credited as that the credit could only pass to the state as shown by the muster and descriptive rolls, then the auditor of state is hereby authorized and required to issue his warrant upon the state treasury to such volunteer for the sum of one hundred dollars, which shall be paid by the treasurer of state out of any funds in the treasury not otherwise appropriated; and in all cases where such volunteer has received a bounty of less sum than one hundred dollars on such enlistment, then it shall be the duty of the state auditor, county commissioners, township trustees, or city councils, as the case may be, to issue a warrant, or bond, as above specified, to such volunteer for the difference between the amount already received, and the amount he would by this act be entitled to receive, if he had not received any such bounty. To determine the number of those credited to congressional districts, that properly belong to each county of the district, the adjutant-general is hereby required to apportion, among the several counties of each district, the number so assigned, in proportion to population, and notify the county commissioners of the number assigned to their several counties; the commissioners shall then proceed as required in this section; provided, that any county having previously paid the bounty to any volunteer credited to the congressional district, shall deduct the amount so paid from the amount to be levied on said county; provided, however, when the muster and descriptive rolls were not received by the adjutant-general in time for the credit therein shown to be applied upon any quota, then the auditor of state shall issue his warrant on the state treasury in favor of such soldier, as in the case of credits to the state at large. And in all cases where the commissioners of any county, the trustees of any township, or the council of any city, in this state, has promised to any volunteer, under any requisition of the president, a bounty, and such volunteer has received from such county, township, or city, in settlement of such a bounty, or any part thereof, any bond, certificate, scrip, or promise to pay, in writing, by the provisions of which payment was to be made, in case any subsequent legislation should authorize such commissioners, trustees, or council to

levy a tax for the payment of the same, and such bond, certificate, scrip, or promise in writing has not been paid for want of such authority by the legislature, or for any other reason, and said bond, certificate, scrip, or promise in writing, has not been by such volunteer sold or assigned, then such commissioners, trustees, or council shall issue to such volunteer, or in case of his death, then to his legal representatives, a warrant for the amount of said bond, certificate, scrip, or promise in writing, together with the interest thereon from the date of issue thereof, or a bond for a like sum, redeemable as herein provided; and in case of the loss or destruction of said bond, certificate, scrip, or promise in writing, the person entitled thereto shall make affidavit of said loss or destruction, and that the same has not been sold or assigned before such person shall receive said warrant or bond as aforesaid; provided, that this act shall not be construed so as to allow any such re-enlisted veteran volunteer who has already received the bounty provided for by the act to which this is amendatory, or who has received one hundred dollars bounty from the state or any county, township, or city under any prior act; nor shall lapse of time or state equities be set up as a defense to any claim made under this act, or of any act to which this is amendatory, or any act relating to this subject, and where said trustees of townships, city councils or county commissioners have not issued said bond, certificate or promise in writing, to such re-enlisted veteran volunteer, they are hereby required to do so. Nor shall it apply to actions now pending in court.

SECTION 2. That section one of said amendatory act of April 16, 1880, be and the same is hereby repealed; and this act shall take effect upon its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 479.]

AN ACT

To amend sections 6317 and 6318 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 6317 and 6318 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 6317. The probate court, upon satisfactory proof that any person resident of the county wherein the application may be made, is incapable of taking proper care of himself or herself, or of his or her property, by reason of intemperance or habitual drunkenness, shall forthwith appoint a guardian of the person and property of such person, or either,

Guardian for
habitual
drunkards

which guardian shall, by virtue of such appointment, be guardian also of the minor child or children of his ward, in case no other be appointed; and all laws relating to guardians for lunatics, idiots, and imbeciles, and their wards, and all laws pointing out the qualifications, duties, rights, and liabilities of such guardians, and their sureties in force for the time being, shall be applicable to the guardians contemplated by this title.

Notice; conveyance or incumbrance of property after invalid.

Sec. 6318. At least five, but not more than ten, days prior to the time when the application for the appointment of the guardian authorized by the foregoing section shall be made, a notice, in writing, setting forth the time and place of the hearing of the application, shall be served upon the person for whom such appointment may be sought; and from the time of the service of such notice until the hearing, or the day thereof, as to all persons having notice of such proceeding, no sale, gift, conveyance, or incumbrance, of the property of such intemperate person or habitual drunkard, shall be valid.

SECTION 2. That said original sections 6317 and 6318 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 500.]

AN ACT

To amend section 1286 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1286 of the Revised Statutes of Ohio be amended so as to read as follows:

Fees of attorney-general in addition to salary.

Sec. 1286. The attorney-general, in addition to his salary, shall be allowed three per centum on all collections made by him for the state, but the aggregate amount of his compensation, including such per centum, shall not exceed three thousand dollars per annum during the term of his office.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 516.]

AN ACT

To protect travelers on streets and highways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person, company or corporation owning, or operating any railroad, crossing, or that may hereafter cross, over and above any street, less than seventy feet in width, in any city in this state, at an elevation above such street, sufficient to permit persons to pass and repass along such street beneath such railroad crossing, to place or cause to be placed, or to suffer or permit to be or remain in such street, beneath such railroad crossing or bridge, any pier or other stay or support for such crossing or bridge, or to suffer or permit any such railroad crossing or bridge to be or remain in such condition, that any iron, coal or other hard substance, or any fluid or noisome matter, may fall or drop from or through any such crossing or bridge, upon persons traveling or passing beneath the same; and any such person, company or corporation owning or operating any such railroad, failing to comply with the requirements of, or violating any of the provisions of this section, shall, for each and every day during the continuance of such failure or violation, and on account thereof, forfeit and pay to such city the sum of one hundred dollars, which may be recovered in a civil action, in the name of such city, against the owner or operator of such railroad, or both, as the city may elect, and thereafter like recovery may be had in like manner, for subsequent failures and violations aforesaid.

Bridges over
railroad cross-
ings.

SECTION 2. That the city council of any city may prohibit the switching of freight engines, trains, or cars, over or on said crossing or bridge, the sounding of locomotive steam whistles, on or near the same, and the standing or stopping of any railroad engine over or on the same, and may, by ordinance, constitute the same an offense, and provide for the punishment of any person committing such offense.

Councils may
prohibit
switching,
obstructing,
etc.

SECTION 3. This act shall take effect and be in force from and after the first day of June, 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 935.]

AN ACT

To amend section 2271 of the Revised Statutes of Ohio, as amended April 16, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2271 of the Revised Statutes of Ohio, as

amended April 16, 1888, be amended so as to read as follows:

Limitation of
assessments in
certain cities;
Cincinnati.

Toledo.

Sec. 2271. In cities of the first grade of the first class, and in corporations in counties containing a city of the first grade of the first class, the tax or assessment especially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section twenty-two hundred and seventy-two, exceed twenty-five per centum of the value of such lot or land after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section twenty-two hundred and seventy-two, there shall not be collected of such assessment, in any one year, more than one-tenth of such value of the property on which the assessment is made; and in other cities of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section twenty-two hundred and seventy-two, exceed twenty five per centum of the value of such lot or land, as determined in advance by the common council, which valuation shall not exceed a fair market value of such lot or land after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section twenty-two hundred and seventy-two, there shall not be collected of such assessment, in any one year, more than one-tenth of such value of the property on which the assessment is made; and in cities of the third grade, first class, said tax or assessment shall not in any case exceed twenty-five per centum of the value of such lot or land after the improvement is made, and such value shall not be determined in advance, nor by the common council; and whenever any street or avenue is opened, extended, straightened, or widened, the special assessment for the cost and expense, or any part thereof, shall be assessed only on the lots and lands bounding and abutting on such part or parts of said street or avenue so improved, and shall include of such lots and lands only to a fair average depth of lots in the neighborhood, but shall also include other lots and parts thereof and lands to such depth; and whenever at least one-half in width of any street or avenue has been dedicated for such purpose from the lots and lands lying on one side of the line of such street or avenue, and such street or avenue is widened by taking from lots and lands on the other side thereof, no part of the cost and expense thus increased [incurred] shall be assessed upon the lots and lands lying on said first mentioned side, but only upon the other side, and as aforesaid, but said special assessment shall not be in any case in excess of benefits; provided, that nothing in this section contained shall apply to any improvement ordered, commenced or completed prior to the passage of this act.

SECTION 2. That section 2271, as amended April 16, 1888, be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1323.]

AN ACT

To authorize boards of county commissioners of counties of this state, adjoining other states, to join with the proper authorities of counties of such other states, in the construction, improvement, or repair of highways, on or along the state line, between the state of Ohio and any adjoining state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when it may be desirable to lay out, construct or improve, by grading, graveling or macadamizing any state or county road on or along the state line, between the state of Ohio and any adjoining state, the boards of county commissioners of the several counties of this state adjoining any other state, are hereby authorized and empowered to join with the boards of county commissioners or other proper authorities of any adjoining counties of other states, in the construction and improvement in the manner aforesaid of such roads above described; and said boards of county commissioners are hereby authorized and empowered to enter into contracts jointly, with said boards of county commissioners or other proper authorities of said adjoining counties in adjoining states, for the construction and improvements of said roads, each county to pay such proportion of the costs of said improvement as shall be determined and agreed upon by and between said boards of county commissioners or other proper authorities of such adjoining states, and the board of county commissioners of any such county in this state, the share of no county in this state to exceed one-half the entire cost of said improvement; but any road so constructed or improved as above described shall be free of all tolls.

Highways
 along state
 line.

SECTION 2. In the exercise of the powers enumerated and granted in section one of this act, the board of county commissioners of any county in this state shall be governed by and in accordance with the provisions contained in chapters six, seven and eight, division two, title seven, part two of the Revised Statutes of Ohio, and in all acts amendatory thereof or supplementary thereto, so far as the same shall be applicable.

SECTION 3. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1352.]

AN ACT

To supplement section 2099 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand [and] ninety-nine (2099) of the Revised Statutes be supplemented by supplementary sections with sectional numbering as follows:

Expense of
 maintenance
 of persons
 sentenced to
 work-house in
 certain cities.

Sec. 2099a. Provided, that in any county containing a city of the third grade of the first class in which there is a work-house built jointly by any such county and city, the expense of maintaining persons sentenced to such work-house by any court, mayor or justice of the peace in such county for offenses against a law of the state, shall be paid out of the county treasury upon the allowance of the county commissioners, and the commissioners and directors of the work-house shall agree upon the per diem sum to be paid by the county for such maintenance; and if they are unable to agree, then such amount shall be fixed by the court of common pleas of such county, or any two judges thereof, on the application of either the commissioners or work-house directors, and the amount fixed shall be paid to the treasurer of such city, and by him placed to the credit of the work-house fund; and such per diem amount to be paid shall be fixed yearly, but the per diem previously fixed shall continue until the new determination, and settlements and payments shall be made quarterly, if so desired by said work-house directors.

Cruelty, etc.,
 who shall be
 sentenced for.

Sec. 2099b. And in any such county containing a city of such third grade, first class, when any person being the parent or guardian of any child or children under sixteen (16) years of age is convicted of the offense of torturing, tormenting, cruelly or unlawfully punishing, or willfully and negligently depriving of proper food, clothing or shelter, or willfully abandoning such child or children, as is provided for in supplementary section 6984a of the Revised Statutes, and a fine shall have been imposed in whole or part punishment for such offense, and the same and the costs of said prosecution are not immediately paid, such person shall be imprisoned in said work-house and kept at hard labor, until, at the rate of sixty cents per day for each day's labor, Sundays and days of sickness not to be counted, he shall have canceled the amount of such fine and costs, and during the whole term of his im-

prisonment under the sentence for said offense, he shall be kept at hard labor; and said board of directors shall pay over to the mother or guardian of the said child or children of such person so imprisoned at the end of each week of said imprisonment for the support and maintenance of said child or children, when the same is needed for such support, a sum equal to forty cents, for each day of labor as aforesaid, and the sum so paid as aforesaid shall be by said board charged up as a part of the current expenses of maintaining said work-house, and shall be allowed accordingly.

SECTION 2. That this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1353.]

AN ACT

To supplement section 2100 of the Revised Statutes of Ohio, as amended April 9th, 1885 (v. 82, p. 117).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand one hundred (2100) of the Revised Statutes, as amended April 9th, 1885, be supplemented by supplementary sections with sectional numbering as follows:

Sec. 2100a. Provided, however, that the board of work-house directors in cities of the third grade of the first class shall have power to establish rules and regulations under which and specify the conditions on which any prisoner may be allowed to go upon parole outside of the buildings and enclosures, but to remain, while on parole, in the legal custody and under the control of the board, and subject at any time to be taken back within the enclosure of said institution; and full power to enforce such rules and regulations and conditions, and to retake and re-imprison any convict so upon parole, is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named therein to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; and said board may employ or authorize any person or persons to see that the conditions of said paroles are not violated, and in case of such violation to return any such prisoner so violating said parole to said work-house, and the time between the violation of the conditions of such parole or conditional release (by whatever name), as entered by order of the board in the record of its meetings, and the re-imprisonment or return of such prisoner, shall not be counted as any part or portion of time served under

Parole of prisoners in work-house.

any sentence; and any prisoner at large upon such parole who fails to return to the actual custody of said work-house as may be specified as one of the conditions of his parole, or commits a fresh crime and is convicted thereof, shall be, on the order of said board, treated as an escaped prisoner and subject to the penalties named in section two thousand one hundred and three (2103) of the Revised Statutes.

Fines paid by
persons sen-
tenced to
work-house.

Sec. 2100b. And all fines paid by persons so sentenced to said work-house, situate in any such city of the third grade, first class, after their actual incarceration therein, except for offences mentioned in sections 6951, 6952, 6984 and 6984a of the Revised Statutes, shall be paid over to the board of work-house directors of such work-house, to be by said board applied to the payment of the expenses of such work-house.

SECTION 2. That this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 783.]

AN ACT

To amend section 6355 of the Revised Statutes of Ohio.

Preferred
claims.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6355 of the Revised Statutes be so amended as to read as follows:

Sec. 6355. All taxes of every description assessed against the assignor upon any personal property held by him before his assignment, shall be paid by the assignee or trustee, out of the proceeds of the property assigned in preference to any other claims against the assignor, and every person who shall have performed any labor as an operative in the service of the assignor, shall be entitled to receive out of the trust funds, before the payment of the other creditors, the full amount of the wages due to such person for such labor performed within twelve months preceding the assignment, not exceeding three hundred dollars. But the foregoing provisions shall not prejudice or in any way affect securities given, or liens obtained in good faith, for value, but judgments by confession on warrants of attorney rendered within two months prior to such assignment, or securities given within such time to create a preference among creditors, or to secure a pre-existing debt other than upon real estate for the purchase money thereof, shall be of no force or validity as against such claims for labor to the extent above provided, in case of assignment.

SECTION 2. That said original section 6355 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1050.]

AN ACT

To define the powers of municipal authorities in certain cases herein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city or village authorized and empowered by any general or special law to purchase or lease lands, purchase, lease or sink natural gas wells, procure right of way, purchase and lay down pipes, etc., for the purpose of supplying such city or village, or the citizens thereof, with natural gas, is hereby authorized and empowered to exercise any or all of said powers outside of its corporate limits. And all the rights and powers conferred upon companies by sections thirty-eight hundred and seventy-eight and thirty-eight hundred and eighty (3878 and 3880), as amended March 24, 1888, and subject to all the restrictions therein, are hereby conferred upon the cities and villages above referred to.

Municipalities
authorized to
lay pipes for
natural gas,
etc., outside of
corporate
limits.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1120.]

AN ACT

To supplement an act passed April 4, 1888, entitled "an act supplementary to an act entitled an act supplementary to section 2293, Revised Statutes of Ohio," passed April 25, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to an act passed April 4, 1888, entitled "an act supplementary to an act entitled an act supplementary to section 2293, Revised Statutes of Ohio," passed April 25, 1885:

Sec. 2293c. In cities of the first grade of the first class the board of public affairs of any such city shall have authority to cause any of the streets, avenues or highways of said city to be improved with granite block, asphalt pavement, or other material, and the method of procedure in such case shall be as follows:

Authorizing
certain cities
to improve
streets, ave-
nues, etc.

1. The provisions contained in paragraphs 1, 2, 3, 5 and 7 of said section 2293a, as enacted April 25, 1885, and the provisions contained in paragraph 2 of section 2293b, as enacted April 4, 1888, shall apply to improvements under this act, and be the mode of procedure hereunder; provided, that all the powers conferred upon and to be exercised by the board of public works, under said section 2293a, shall be conferred upon and exercised by the board of public affairs of such city hereunder.

2. All material necessary to be removed from any street, avenue, or highway where such improvement is to be made, shall go to and become the property of the contractor as part compensation for such improvement; and the advertisement for bids shall state that said materials are to go to the contractor, so that all bidders may know that fact and make their bids with reference thereto.

3. In order to provide a fund for carrying on said improvements and paying so much of the cost thereof as is herein provided to be paid by the city at large, it shall be lawful for said board of public affairs to issue bonds in the name of said city, under the corporate seal thereof, during each of the four fiscal years next ensuing after the passage of this act, in such amounts as they may deem necessary, not to exceed, in any one year, the sum of one hundred and fifty thousand dollars; provided, however, that all of said sum for which bonds may be issued during any one year need not be expended or paid out during the year in which said bonds are issued; said bonds shall be made payable in not less than ten years and not more than twenty years from the date of their issue, and bear interest at a rate not exceeding four per centum per annum; said bonds shall be signed by the president of said board, and attested by the city comptroller, and shall be secured by the pledge of the faith of the city, and a tax, which it shall be the duty of the council of said city, annually, to levy upon all the taxable property of said city, and certify the same to the county auditor, upon a certificate to that effect from the said board of public affairs as the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amount now authorized to be levied for municipal purposes.

4. Said board of public affairs shall receive bids for said bonds, from time to time, as they are issued, after advertising the same for sale, once per week for four consecutive weeks, on the same day of the week, in some newspaper of general circulation in said city, and shall sell the same for not less than the par value thereof, with accrued interest, to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called "the additional granite

payement fund;" and a careful account of the condition of said fund shall be separately kept by the comptroller of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1145.]

AN ACT

To supplement section 1438 of the Revised Statutes of Ohio, relating to the sale or surrender of lease of lands granted by congress for religious purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections shall be supplementary to section 1438 of the Revised Statutes of Ohio, with sectional numbering as follows:

Sec. 1438a. The money which has been or may hereafter be paid into the state treasury on account of sales of lands granted by congress for religious purposes, known as section twenty-nine, shall constitute the "ministerial fund," of which the auditor of state shall be the superintendent, and the income of said fund shall be used exclusively for religious purposes.

"Ministerial fund."

Sec. 1438b. The ministerial fund shall constitute an irreducible debt of the state, on which the state shall pay interest annually, to be computed for the calendar year, and the first computation on any payment of principal, hereafter made, to be from the time of payment to and including the thirty-first day of December next succeeding, and the auditor of state shall keep an account of the fund and of the interest which accrues thereon, in a book or books to be provided for that purpose, with each original surveyed township or other district to which any part of the fund belongs, crediting each with its share of the fund, and showing the amount of interest thereon which accrues and the amount which is disbursed annually to each.

Account of by auditor of state.

Sec. 1438c. The auditor of state shall transmit, with each February settlement sheet, a certified statement, showing the amount of interest derived from the ministerial fund, payable to each original surveyed township or other district within the county, and the treasurer of each county shall, at the February settlement with the auditor of state, retain in the county treasury, from the state taxes collected by him, the amount of the funds shown by said certified statement to be

Statement to be transmitted to county auditor.

due such county. And the treasurer of each county shall pay said funds, on the warrant of the county auditor, to the treasurer of the original township in which such lands are located; said warrants to be drawn for the amount due each original township, as certified by the auditor of state; and said funds shall be apportioned by the trustees of such original surveyed township in the manner now provided for the apportionment of money arising from rents and profits on such lands.

SECTION 2 This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1396.]

AN ACT

To provide for the repairing, cleaning and sprinkling of, and planting and caring for trees in streets, avenues and alleys in a city of a certain population.

Authorizing
certain cities
to plant trees
in avenues,
alleys and
streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city that had at the last federal census a population of seven thousand and twenty-six, shall have authority to provide by ordinance, in the manner hereinafter stated, for the repairing, sprinkling, sweeping and otherwise cleaning of, and planting and taking care of shade trees in any of the avenues, streets and alleys, or any part thereof, which have been improved under any city ordinance, by the construction of any permanent pavement; and any one or more of such objects may be embraced in any resolution or ordinance for such purpose.

Council may
appoint a
board of com-
missioners.

SECTION 2. That the city council may, by ordinance, appoint two electors of such city, who shall be owners of property abutting upon the street, avenue or alley to be repaired, sprinkled or cleaned, or in which trees are to be planted, to serve without compensation, who, together with the city civil engineer, shall constitute a board of commissioners with full power and authority to repair, clean and sprinkle, and plant and take care of shade trees in any such street, avenue, or alley, or any part thereof, the cost of which, including intersections, shall be a lien upon the abutting property, and be estimated, assessed and collected, as provided in section twenty-three hundred and eleven (2311) of the Revised Statutes.

Term, vacancy,
etc.

SECTION 3. That said commission shall be appointed for the term of three years, and a vacancy arising from any cause may be filled by the appointment, of the council, of a person qualified as provided in section two of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1425.]

AN ACT

To authorize the payment of the expenses incurred in the transportation of orphan children in the home at Xenia, Ohio, during the national encampment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That out of any money in the general revenue fund, not otherwise appropriated, the sum of five hundred dollars be appropriated to pay the expenses incurred in the transportation of the orphan children in the home at Xenia, Ohio, to Columbus, Ohio, and return, on September 11, 1888, during the national encampment of the G. A. R., and the auditor of state be and he is hereby authorized to issue his warrant on the state treasurer for said amount, payable to Thomas H. Blake, department quartermaster of the state of Ohio, Grand Army of the Republic, on the presentation by him of the receipt for above amount by railroad company.

Appropriation
to pay cost of
transportation
of children
from Xenia
home.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 331.]

AN ACT

Supplementary to section 6975 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 6975 of the Revised Statutes of Ohio, with sectional numbering as follows:

Sec. 6975a. It shall be unlawful for any person to offer or give, directly or indirectly, any reward or consideration, or make any present or reduction in price, to any person employed in any of the public schools of this state, or to any

Unlawful to
offer bribe for
recommending
text books
etc.

Unlawful to
employ certain
relatives as
teachers.

officer having any authority or control over the same for favoring, recommending or advocating the introduction, adoption or use, in the school in which such person is employed, or over which such officer has any authority or control, of any text-book, map, chart, globe or other school supplies, or to induce him so to do; and it shall be unlawful for any such employe, or officer, to accept, or to offer or agree to receive or accept any reward, consideration, present, gift or reduction in price for so doing; and it shall also be unlawful for any local director or member of a board of education to vote for, or participate in the making of any contract with any person as a teacher or instructor in any of the public schools of this state to whom he is related as father or brother, or to act in any matter in which he is pecuniarily interested, or to receive, or offer to accept or receive any reward or gain for any official act. Any person violating any of the foregoing provisions, shall, upon conviction, be fined not less than twenty-five dollars, and not more than five hundred dollars, or be imprisoned not more than six months, or both.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 404.]

AN ACT

To amend section 6391, as amended March 9, 1883, and sections 6392, 6393 and 6385 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6385 of the Revised Statutes of Ohio be amended so as to read as follows:

Who may solemnize marriages.

Sec. 6385. It shall be lawful for any ordained minister of any religious society or congregation within this state, who has, or may hereafter obtain a license for that purpose, as hereinafter provided, or for any justice of the peace in his county, or for the mayor of any city or incorporated village in any county in which such city or village may wholly or partly lie, or for the several religious societies, agreeably to the rules and regulations of their respective churches, to join together as husband and wife, all persons not prohibited by law.

Certificate of marriage to be transmitted to probate judge and recorded.

Sec. 6391. A certificate of every marriage hereafter solemnized, whether authorized by publication of bans in the congregation, or by license issued by a probate judge, or after notice given to the congregation, signed by the justice, mayor or minister solemnizing the same, or clerk of the monthly meeting shall be transmitted to the probate judge in the

county wherein the marriage license was issued, or the congregation wherein said bans were published is situated, or marriage was celebrated, within three months thereafter, and recorded by such probate judge; every justice, mayor, or minister, or clerk of the monthly meeting, failing to transmit such certificate to the probate judge in due time, shall forfeit and pay fifty dollars, and if the probate judge shall neglect to make such record, he shall forfeit and pay fifty dollars to and for the use of the county.

Sec. 6392. If any justice, minister or mayor by this chapter authorized to join persons in marriage, shall solemnize the same contrary to the true intent and meaning of this chapter, the person so offending shall, upon conviction thereof, forfeit and pay any sum not exceeding one thousand dollars, to and for the use of the county wherein such offense was committed; and if any person, not legally authorized, shall attempt to solemnize the marriage contract, such person shall, upon conviction thereof, forfeit and pay five hundred dollars to and for the use of the county wherein such offense was committed.

Penalty for solemnizing marriage contrary to this chapter.

Sec. 6393. It shall be the duty of every minister, mayor, or justice of the peace, before he shall solemnize any marriage between the parties, either of whom is required by section sixty-three hundred and eighty-four, to obtain the consent of his or her parent or guardian (except in cases where license shall have been obtained from the judge of the probate court), to be satisfied that the intention of marriage between such parties has been duly published, and also that the consent of such parent or guardian has been obtained, either by acknowledgment in the presence of such minister, mayor or justice of the peace, or by a certificate under the signature of such parent or guardian, and attested by one or more credible witnesses, who shall be present for the purpose of satisfying such minister, mayor or justice of the peace that such certificate was actually signed by the parent or guardian for the purpose aforesaid.

Before solemnizing marriage, minister, mayor or justice must be satisfied that bans were published, or of consent of parent or guardian.

SECTION 2. Said section 6391, as amended March 9, 1883, and said original sections 6392, 6393 and 6385 are hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 477.]

AN ACT

To amend section 1529 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1529 of the Revised Statutes of Ohio be amended so as to read as follows:

Township
officers to de-
liver to suc-
cessors all
records, etc.

Sec. 1529. The township trustees are authorized to purchase one copy of the Revised Statutes for their use, and one copy for the use of each justice of the peace within their townships, to be paid for out of any unappropriated funds in the township treasury. Copies so purchased shall be the property of the township, and shall be so marked. All township officers shall deliver over to their successors in office all books, records, documents, laws, obligations, papers, blanks, and all other articles and property belonging to their respective offices, or deposited with them in their official capacity; and any person who has been a township officer who refuses to deliver over the same, or any part thereof, shall forfeit any sum not more than fifty nor less than five dollars, to be recovered by action for the use of the township.

SECTION 2. That said original section 1529 be and the same is hereby repealed; and this act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 523.]

AN ACT

To amend an act entitled "an act to authorize cities of the first class to issue bonds for university purposes," passed April 27, 1872 (69 O. L., 164), as amended May 8, 1878 (75 O. L., 138).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of the said act, as amended May 8, 1878 (75 O. L., 138), be so amended as to read as follows:

Levy of tax to
pay interest
and for re-
demption of
bonds, etc.

Sec. 2. If any bonds of such city have been or shall be hereafter issued, as provided in the foregoing section, it shall be the duty of the board of education of such city, annually thereafter, to include in the tax levy for school purposes a levy on all the taxable property of said city of one-tenth of one mill on the dollar valuation thereof on the duplicate, and the proceeds thereof shall be paid into the city treasury, and shall be pledged and applied by the common council of such

city in payment of the interest which may accrue on said bonds, and as a sinking fund not exceeding one per cent. yearly on the amount of the bonds so issued, for the redemption of the principal; and the residue, if any, of such tax shall be paid over to the board of directors of such university every year, for the support of such university, college, or institution of learning; provided, that whenever said bonds and the interest thereon shall have been fully paid, the board of education of such city may exercise the discretion conferred upon said board by the fifth section of the aforesaid act of April 16, 1870 (67 O. L., 87).

SECTION 2. That said section two of said original act, as amended May 8, 1878 (75 O. L., 188), be and is hereby repealed; and this act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 533.]

AN ACT

To amend section 3950 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3950 of the Revised Statutes of Ohio, as amended April 14, 1884 (81 v., 211), as amended March 18, 1887 (vol. 84, p. 117), is so amended as to read as follows:

Sec. 3950. No joint sub-district which is now organized, or may hereafter be organized, shall be dissolved, changed, or altered, unless by the concurrent action of the boards of education of the several townships having territory included therein; provided, however, that when any board of education in a joint sub-district desires to dissolve, change, or alter the same, the board of education desiring such dissolution, change, or alteration, shall notify, in writing, the boards of education interested, of the time when they will meet to consider the proposed dissolution, change, or alteration. The place of meeting shall be the school house in such joint sub-district; but if there be none, then at some convenient place in the vicinity of such joint sub-district. If the joint boards fail to meet, or, having met, cannot agree upon a dissolution, change, or alteration, as the case may be, then the board of education desiring such dissolution, change, or alteration may appeal to the probate court of the proper county, and the same proceedings shall be had as in case of appeals in the formation of joint sub-districts,

Joint sub-dis-
tricts; how
dissolved.

so far as applicable, as provided in sections 3935, 3936, 3937, 3938, 3939, 3940, and 3941; and any joint sub-district established by proceedings in the probate court may be dissolved, changed, or altered, as provided in this section, at any time after the expiration of five years, or the court may dissolve the same at any time, upon being petitioned to do so by two-thirds of the voters residing in the district which is affected by the change, when the best interests of the schools demand such dissolution, change, or alteration.

SECTION 2. That section 3950 of the Revised Statutes of Ohio, as amended March 18, 1887 (vol. 84, p. 117), is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 562.]

AN ACT

Supplementary to section 2500 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2500 of the Revised Statutes of Ohio be supplemented as herein provided, and with sectional numbering as follows :

Council may
prevent the
obstruction of
streets, etc., by
railroad com-
panies.

Sec. 2500a. In addition to the powers specifically granted in said section 2500, and in sections 2492 to 2499 inclusive, and in section 1692, and the acts amendatory of and supplementary thereto, of the Revised Statutes of Ohio, cities of the first grade of the second class shall have the following general powers, and the council may provide, by ordinance, for the exercise and enforcement of the same: To provide against and prevent the obstruction, use, or occupancy of any street, or other public highway, with any locomotive, car, cars, or train, by any railroad company, companies, superintendent, agent, or other employe thereof, either directly or indirectly, permitting or suffering such locomotive, car, cars, or train to remain upon or across such street, or other public highway, or any part thereof, or by coupling, switching, or shifting of locomotives, cars, or trains, or the making up of trains upon or across such street, or other public highway, or any part thereof, or by the moving or stopping of long freight trains upon or across the same, for a period not longer than two minutes at one time; to prevent such obstruction, use, or occupancy of any such street, or other public highway, by any railroad company, companies, superintendent, agent, or other employe thereof, either directly or indirectly, for a

period of ten minutes after the same has been once so obstructed, used, or occupied for said period of two minutes, so as to give and guarantee to the public the exclusive use of such street, or other public highway, for ten minutes thereafter; to require any railroad company or companies so using such street, or other public highway, for said period of two minutes, to provide and maintain suitable bars or gates, and watchmen, at such street or other crossing, to secure and warn the public against the dangers attending such use. It is further provided that the council of such cities, to carry into force and effect the provisions of any ordinance or ordinances under this section, shall have power to prescribe penalties for any violation thereof, by fine not to exceed fifty dollars for each offense, or by imprisonment not to exceed thirty days, or both fine and imprisonment for each and every repeated violation thereof after the first offense. It is provided further, that nothing herein shall be so construed as to affect or interfere with the arrival and departure of regular railroad trains moving on and across such street or public highway, without stopping, at a rate of speed not exceeding six miles per hour.

May require gates to be erected at crossings.

Sec. 2500b. Should any railroad company or companies neglect or fail to protect the public by putting up gates or bars, or to maintain watchmen, as provided in section 2500a, the city council may cause such suitable gates or bars to be put up, and employ such necessary watchmen, at the expense of said railroad company or companies, and by civil action recover against such company or companies the expense so incurred.

When council may erect gates or employ watchmen.

Sec. 2500c. The mayor of such cities shall cause the enforcement of any ordinance or ordinances enacted by such council under said section 2500a; and the mayor shall appoint and commission a sufficient force of officers and special detectives to secure the public safety and convenience, and to make arrests, and prosecute any violation of any such ordinance or ordinances.

Duty of mayor

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 152.]

AN ACT

Supplementary to sub-division 5 of chapter 4 of the Revised Statutes, to vest in the council and the board of public affairs of certain cities additional powers respecting sewers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby added as a supple-

mental section to sub-division five of chapter four, title twelve, division seven of the Revised Statutes, the following :

How assessments may be paid.

Duty of board of public affairs.

Bonds.

Sec. 2406a. In cities of the first grade of the first class, the council may require any assessment mentioned in this sub-division to be levied and paid either in one installment, or in not exceeding ten equal annual installments, as it shall in each case determine either in the resolution or ordinance to improve; and all those powers and duties mentioned in this chapter relative to proceedings to authorize and procure the construction and repairs of the sewerage and other improvements named in this sub-division, which are vested in and may be performed by council subsequently to the adoption of an ordinance to improve under section 2316 of said chapter, shall hereafter be vested in and performed by the board of public affairs alone, without the concurrence of the council; and said board of public affairs shall have exclusive control of any and all funds now in the treasury of any such city, or that may hereafter be paid into such treasury for the purpose of constructing or repairing sewers or house connections, drains or ditches, and the comptroller and treasurer of every such city are authorized and directed to make payments out of such funds only upon the order of said board. In all cases where council has determined that any assessment mentioned in this sub-division shall be paid in installments, the option of paying his portion of such assessment in full within a period of twenty days from the date of the levy thereof shall be given to each of the property owners, and notice of such option shall be published twice within the first ten days of said period of twenty days, in at least one newspaper of general circulation in the cities where any such assessment is levied; and all unpaid portions of each and all of said installments shall bear interest from and after the expiration of said option at the rate of six per centum per annum until paid. In order to pay the cost of any such improvement as to which any such assessment in installments is made, said board of public affairs may borrow upon the credit of the corporation a sum of money sufficient to pay such cost, and may issue bonds, notes, or certificates of indebtedness under the corporate seal, pledging the faith and credit of the corporation for the payment of the principal and interest of such bonds, notes, or certificates of indebtedness, which interest shall not exceed the rate of six per centum per annum, payable semi-annually, and such bonds, notes, or certificates of indebtedness shall express upon their face the purpose for which, and under what order they are issued, and shall be signed by the president and clerk of said board, and countersigned by the comptroller of the corporation, and may be sold by said board for not less than their par value, upon ten days' notice, published in at least one newspaper of general circulation in the corporation. The moneys so obtained shall be applied exclusively in each case by said board of public affairs to the payment of the cost of the improvement as to which the assessment in installments is made. When any such assessment in installments is made, and bonds, notes, or certificates of indebtedness are issued as aforesaid, in anticipation of the collection of such

assessment, the ordinance of said board directing the assessment shall specify the amount by the front foot or according to valuation or benefits, or otherwise, and the comptroller of the corporation shall, on or before the second Monday of September, annually, certify such assessment to the county auditor, and the assessment shall be placed on the tax list and collected, and when collected shall be paid and applied in the manner prescribed by section 2695 of the Revised Statutes for the collection of assessments.

When assessments to be placed upon tax list.

SECTION 2. That nothing herein shall be so construed as to repeal or affect an act entitled "an act to provide for the construction of trunk sewers, in cities of the first grade of the first class," passed March 12, 1887; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[Senate Bill No. 570.]

AN ACT

To authorize the council of any incorporated village within this state, which at the last federal census had, or at any subsequent federal census may have, a population of not less than 1,205 nor more than 1,210, to issue bonds for the purpose of developing natural gas, petroleum and coal, and to repeal an act therein named, passed March 1, A. D. 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village within this state, which at the last federal census had, or any subsequent federal census may have, a population of not less than 1,205 nor more than 1,210, is hereby authorized and empowered to issue bonds, not exceeding in amount the sum of four thousand dollars (\$4,000) for the purpose of procuring territory and developing natural gas, petroleum and coal, either within or without the limits of such incorporated village. Said bonds shall be signed by the mayor of such village, and countersigned and registered by the clerk thereof, and may be issued in any denominations of not less than one hundred dollars nor more than five hundred dollars, bearing interest at a rate of six per centum per annum, payable annually, running not to exceed five years from date of issue, and shall be payable in such amounts [of] each year as the council of such village may determine; and said bonds shall not be sold for less than par.

Certain villages authorized to issue bonds for natural gas purposes.

SECTION 2. For the payment of the principal and interest of said bonds, as the same shall become due, the council of such village is hereby authorized and required to levy a tax

Levy of tax.

mental section to sub-division five of chapter four, title twelve, division seven of the Revised Statutes, the following :

How assessments may be paid.

Duty of board of public affairs.

Bonds.

Sec. 2406a. In cities of the first grade of the first class, the council may require any assessment mentioned in this sub-division to be levied and paid either in one installment, or in not exceeding ten equal annual installments, as it shall in each case determine either in the resolution or ordinance to improve; and all those powers and duties mentioned in this chapter relative to proceedings to authorize and procure the construction and repairs of the sewerage and other improvements named in this sub-division, which are vested in and may be performed by council subsequently to the adoption of an ordinance to improve under section 2316 of said chapter, shall hereafter be vested in and performed by the board of public affairs alone, without the concurrence of the council; and said board of public affairs shall have exclusive control of any and all funds now in the treasury of any such city, or that may hereafter be paid into such treasury for the purpose of constructing or repairing sewers or house connections, drains or ditches, and the comptroller and treasurer of every such city are authorized and directed to make payments out of such funds only upon the order of said board. In all cases where council has determined that any assessment mentioned in this sub-division shall be paid in installments, the option of paying his portion of such assessment in full within a period of twenty days from the date of the levy thereof shall be given to each of the property owners, and notice of such option shall be published twice within the first ten days of said period of twenty days, in at least one newspaper of general circulation in the cities where any such assessment is levied; and all unpaid portions of each and all of said installments shall bear interest from and after the expiration of said option at the rate of six per centum per annum until paid. In order to pay the cost of any such improvement as to which any such assessment in installments is made, said board of public affairs may borrow upon the credit of the corporation a sum of money sufficient to pay such cost, and may issue bonds, notes, or certificates of indebtedness under the corporate seal, pledging the faith and credit of the corporation for the payment of the principal and interest of such bonds, notes, or certificates of indebtedness, which interest shall not exceed the rate of six per centum per annum, payable semi-annually, and such bonds, notes, or certificates of indebtedness shall express upon their face the purpose for which, and under what order they are issued, and shall be signed by the president and clerk of said board, and countersigned by the comptroller of the corporation, and may be sold by said board for not less than their par value, upon ten days' notice, published in at least one newspaper of general circulation in the corporation. The moneys so obtained shall be applied exclusively in each case by said board of public affairs to the payment of the cost of the improvement as to which the assessment in installments is made. When any such assessment in installments is made, and bonds, notes, or certificates of indebtedness are issued as aforesaid, in anticipation of the collection of such

assessment, the ordinance of said board directing the assessment shall specify the amount by the front foot or according to valuation or benefits, or otherwise, and the comptroller of the corporation shall, on or before the second Monday of September, annually, certify such assessment to the county auditor, and the assessment shall be placed on the tax list and collected, and when collected shall be paid and applied in the manner prescribed by section 2695 of the Revised Statutes for the collection of assessments.

When assessments to be placed upon tax list.

SECTION 2. That nothing herein shall be so construed as to repeal or affect an act entitled "an act to provide for the construction of trunk sewers, in cities of the first grade of the first class," passed March 12, 1887; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[Senate Bill No. 570.]

AN ACT

To authorize the council of any incorporated village within this state, which at the last federal census had, or at any subsequent federal census may have, a population of not less than 1,205 nor more than 1,210, to issue bonds for the purpose of developing natural gas, petroleum and coal, and to repeal an act therein named, passed March 1, A. D. 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village within this state, which at the last federal census had, or any subsequent federal census may have, a population of not less than 1,205 nor more than 1,210, is hereby authorized and empowered to issue bonds, not exceeding in amount the sum of four thousand dollars (\$4,000) for the purpose of procuring territory and developing natural gas, petroleum and coal, either within or without the limits of such incorporated village. Said bonds shall be signed by the mayor of such village, and countersigned and registered by the clerk thereof, and may be issued in any denominations of not less than one hundred dollars nor more than five hundred dollars, bearing interest at a rate of six per centum per annum, payable annually, running not to exceed five years from date of issue, and shall be payable in such amounts [of] each year as the council of such village may determine; and said bonds shall not be sold for less than par.

Certain villages authorized to issue bonds for natural gas purposes.

SECTION 2. For the payment of the principal and interest of said bonds, as the same shall become due, the council of such village is hereby authorized and required to levy a tax

Levy of tax.

on all taxable property within the corporate limits of said village, in such amounts each year as will meet the principal and interest then falling due upon said bonds, which levy shall be placed on the tax duplicate by the county auditor and collected as other taxes.

SECTION 3. That said original act, passed March 1, 1889, entitled "an act to authorize the council of any incorporated village within this state, which at the last federal census had, or at any subsequent federal census may have, a population of not less than 1,205 nor more than 1,210, to issue bonds for the purpose of developing natural gas, petroleum and coal," be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 812.]

AN ACT

For the relief of Frank Welsh, member of Company D, 14th Regiment,
O. N. G.

WHEREAS, On the 9th day of January, 1888, Frank Welsh, a member of Company D, 14th Regiment, Ohio National Guard, while on duty in the city of Columbus, under regular orders of George D. Freeman, colonel of said regiment, and while in the line of duty fell upon the icy pavement and broke his collar bone, from which accident he was necessitated to contract indebtedness to the amount of forty dollars for surgical treatment at Columbus and Marysville, and for other necessary care; therefore,

Appropriation
for relief of "
Frank Welsh.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the state of Ohio be and he is authorized and required to issue his warrant on the treasurer of state to pay to the said Frank Welsh, member of Company D, 14th Regiment, O. N. G., the sum of forty dollars, out of the general fund of the state, which sum shall be in full for the expenses incurred for surgical treatment and for other expenses caused during his disability.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 1398.]

AN ACT

To further supplement section 4836 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4836 of the Revised Statutes be supplemented by a supplemental section additional to those passed April 22, 1885 (v. 82, pp. 144 to 147), with sectional numbering as follows:

Sec. 4836g. The commissioners of any such county, containing a city of such third grade, first class, are hereby authorized, whenever, in their judgment, it is desirable, to issue and sell the bonds of such county to an amount not in excess of twenty-five thousand dollars (\$25,000), in any one year, and not in excess of fifty thousand dollars (\$50,000), in the aggregate, for the purpose of paying such county's share of the costs and expenses of contracting macadamized, stone or gravel roads, as provided in said preceding supplemental sections to said section 4836; said bonds to state for what purpose issued, to bear interest at a rate not in excess of four and one-half per cent. per annum, payable semi-annually, to mature in not less than ten years nor more than twenty years after their issue, and not less than five thousand dollars nor more than twenty thousand dollars of said bonds shall mature in any one year, and they shall be sold according to law, and for not less than par and accrued interest; the proceeds of such bonds to be applied and used exclusively for the same purposes and in the same manner as the levy of seven-tenths of one mill provided for in said supplementary sections, and may be in addition to such levy or any part thereof; and the interest and principal of such bonds to be paid from said levy of seven-tenths of one mill, or any part of same.

Issue of bonds
for construction
and repair
of improved
roads.

SECTION 2. That this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 1281.]

AN ACT

To supplement section 4908 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 4908 of the Revised Statutes of Ohio, with sectional numbering as follows: ¶

Sec. 4908. That any person or persons may dedicate any tract or strips of ground to the public use as a highway,

Land may be
dedicated for
use as public
highways.

either by plat or deed of gift to the county or township, filed with the commissioners or trustees, and by them recorded as road surveys and other plats; and the county commissioners, or in a proper case the township trustees, may, if they deem such road of sufficient public utility, accept the same, by entry to that effect on their record, and recording as aforesaid. Upon such acceptance, said tract or strip shall become and be a legally established highway.

SECTION 2. That this act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1283.]

AN ACT

To define the mode of working out taxes levied for repairing the public highways in certain counties.

Road taxes in certain counties; how may be worked out.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every county in the state of Ohio, having a population of thirty thousand two hundred and eighty-one (30,281) at the last federal census, or any succeeding census, all taxes collected for the repair of all free turnpike roads, and all county roads in said counties, and expended on said roads under the supervisor or any other authorized agent, it is hereby made the duty of such supervisor or agent, to notify all the tax-payers living in any road district in any of the foregoing specified counties whose road tax shall exceed two dollars in any one year, of the time and place of making said road improvements, and said tax-payers shall have the right to work out so much of their several amounts of road taxes as may be expended on said roads, under the direction of said supervisor or agent, at such time and place as he may specify.

Penalty for non-compliance with provisions of this act.

SECTION 2. Any supervisor or agent neglecting or refusing to notify any of the tax-payers specified in section one of this act, shall be liable for the amount of said taxes, to be collected by the township trustees, or county commissioners, in an action of debt from the supervisor or agent or their securities on their official bond, for the benefit of any such road as the original tax was levied.

SECTION 3. This act shall be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed April 9, 1889.

[House Bill No. 1418.]

AN ACT

To authorize village councils in villages having a certain population at the next [preceding] federal census to issue bonds for the purpose of extending and improving their public water works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village councils in all villages in the state of Ohio, having a population of fifteen hundred and ninety-five (1,595) at the next preceding federal census, or which may hereafter have, be and the same are hereby authorized to issue the bonds of said villages in a sum not exceeding fifteen thousand dollars, bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually, for the purpose of extending and improving the public water works in said villages.

Authorizing certain villages to issue bonds for water works extension.

SECTION 2. Said bonds shall be signed by the mayor of such villages, and countersigned by the clerks thereof. Said bonds shall not be sold for less than their par value, and shall be issued only at such times, and in such amounts as the village councils may find necessary for the proper progress of the said work. The principal of such bonds shall be payable at such times as such councils may determine by ordinance within a period not exceeding thirty years, and said village councils are hereby authorized to levy a tax upon all the taxable property of said villages, to pay said bonds and interest thereon, not to exceed four mills on a dollar in any one year.

Levy of tax to pay principal and interest.

SECTION 3. The funds realized from the sale of said bonds shall be used only for the purpose of extending and improving the public water works of such villages.

Application of proceeds.

SECTION 4. The question of issuing said bonds and levying said tax shall be submitted to the qualified electors of such villages at a special election to be held at the usual place of holding elections in such villages. Notice of such elections shall be given by the councils of such villages either in a newspaper having general circulation in such villages, or by posting three notices in different parts of such villages, at least twenty days before the date fixed for holding such elections. The tickets to be voted at said elections shall have written or printed thereon the words, "For extension and improvement of public water works—Yes," or "For extension and improvement of public water works—No;" and a majority vote at said elections shall authorize the issue of said bonds, the levy of said tax and the expenditure of said money for the purpose herein indicated.

Must be submitted to vote.

SECTION 5. This act shall take effect and be in force on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1450.]

AN ACT

To authorize the secretary of state to furnish the auditor of Licking county, Ohio, a complete set of weights and measures to replace those destroyed by fire.

Weights and
measures.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state is hereby authorized to furnish a complete set of weights and measures to the auditor of Licking county, Ohio, for the use of said county, as provided by law, to replace those destroyed by fire in the court house of said county on the third day of April, A. D. 1876.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[Senate Bill No. 276.]

AN ACT

Relating to life insurance companies doing business in the state of Ohio.

Premiums for
life or endow-
ment insur-
ance; unlaw-
ful to discrimi-
nate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no life insurance company doing business in Ohio, shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company or any agent thereof make any contract of insurance or agreement as to such contract, other than as plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

Penalty for
violation of
provisions of
this act.

SECTION 2. Every corporation, or officer or agent thereof, who shall willfully violate any of the provisions of this act, shall be fined in any sum not exceeding five hundred dollars, to be recovered by action in the name of the state [and] on collection paid into the county treasury for the benefit of the common school fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 345.]

AN ACT

To amend section 2096 of the Revised Statutes of Ohio, relative to the board of directors of work-houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2096 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2096. The direction, management and control, of any work-house and the maintenance and care of the convicts therein, shall be vested in a board of five directors, who shall be called the "board of work-house directors," and such directors shall be freehold electors of the corporation and serve without compensation; provided, that in any county containing a city of the first grade of the first class, the direction, management, control, maintenance and care of that part of the work-house devoted to the female convicts, and of the female convicts therein, shall be vested in a board of five female directors, who shall be called "the board of work-house directors of the female department;" and such directors shall be residents of the corporation, and serve without compensation. The female directors herein provided for shall be appointed in the same manner as the male directors, and serve for the same term, and shall have full authority, jurisdiction, control and management over that part of the work-house devoted to the female convicts. Immediately after the appointment of the female directors, they shall organize by electing one of their number as president of the board, and the existing statutes applying to the board of work-house directors shall be construed to apply to said board of female directors in like respect as to the board of work-house male directors, and they shall govern themselves accordingly. Said board of male directors and said board of female directors shall meet without delay, and agree upon a division of the work-house, the boundaries of the grounds, and a division of the furniture and property belonging to the same, according to a proper division thereof, and the funds appropriated to pay for the expense and maintenance of the work-house shall be divided each year between the male and female departments, in pro rata proportion to the average daily maintenance thereof, respectively.

Work-house
directors.

SECTION 2. That section 2096 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 420.]

AN ACT

To provide for the acceptance of the aid to the Ohio soldiers' and sailors' home provided for by act of congress of the United States, passed August 27, 1888, and to determine who, on behalf of the state of Ohio, shall accept the same.

Preamble.

WHEREAS, On the 27th day of August, A. D. 1888, the congress of the United States passed the following act:

To provide aid to state and territorial homes for the support of disabled soldiers and sailors of the United States.

Appropriation
by United
States congress
for Ohio sol-
diers' and sail-
ors' orphans'
home.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all states or territories which have established, or which shall hereafter establish, state homes for disabled soldiers and sailors of the United States who served in the war of the rebellion, or in any previous war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of one hundred dollars per annum. The number of such persons for whose care any state or territory shall receive the said payment under this act shall be ascertained by the board of managers of the national home for disabled volunteer soldiers, under such regulations as it may prescribe, but the said state or territorial homes shall be exclusively under the control of the respective state or territorial authorities, and the board of managers shall not have nor assume any management or control of said state or territorial home. The board of managers of the national home shall, however, have power to have the said state or territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to congress in its annual report.

SEC. 2. That the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry out the provisions of this act, and payment

to the state or territories under it shall be made quarterly by the said board of managers for the national home for disabled volunteers to the officers of the respective states or territories entitled, duly authorized to receive such payments, and shall be accounted for as are the appropriations for the support of the national home for disabled volunteer soldiers.

Approved August 27, 1888.

Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state is hereby authorized and empowered to accept, on behalf of the state of Ohio, all money due under the provisions of said act, and subject to its provisions.

Authorizing
governor to
accept money
due under pro-
visions of
above act.

SECTION 2. That all money so received shall be paid into the treasury of the state of Ohio to the credit of the general revenue fund, and proper vouchers and receipts taken therefor.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 471.]

AN ACT

To amend section 2 of an act entitled "an act to create and establish a state board of health in the state of Ohio," passed April 14, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of the above named act be amended so as to read as follows:

Sec. 2. The state board of health shall have the supervision of the interests of the health and life of the citizens of the state, and may make such quarantine and sanitary rules and regulations as they may deem necessary therefor; they shall make careful inquiry in respect to the causes of disease, and especially the invasion or spread of any infectious or contagious epidemic, or epidemic disease, and investigate the sources of mortality, and the effects of localities, employments, conditions, ingesta habits and surroundings on the health of the people, and shall investigate the causes of diseases occurring among the stock and domestic animals of the state, the methods of remedying the same by quarantine or otherwise, and shall gather information in respect to such matters and kindred subjects for dissemination among the people. They shall advise officers of the government, or other state boards, in regard to the location, drainage, water supply, disposal of

General duties
of board.

excreta, heating and ventilating of public buildings. They shall collect and preserve such information relating to forms of disease and death as may be useful in the discharge of the duties of said board. It shall be the duty of all local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employes of the state, or any county, city or town thereof, to enforce such quarantine and sanitary rules and regulations as may be adopted by the state board of health, and in the event of failure or refusal on the part of any member of said boards, or other officials, or persons in this section mentioned to so act, he or they shall be subject to a fine of not less than fifty dollars, upon first conviction, and upon a conviction of second offense of not less than one hundred dollars.

SECTION 2. That section 2 of an act entitled "an act to create and establish a state board of health in the state of Ohio," be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 546.]

AN ACT

To amend section 3236, Revised Statutes of Ohio, as amended April 16, 1885 (82 O. L., 134).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3236 of the Revised Statutes of Ohio, as amended April 16, 1885, be so amended as to read as follows:

Articles of
 incorporation;
 what to con-
 tain.

Sec. 3236. Any number of persons, not less than five, a majority of whom are citizens of this state, desiring to become incorporated, shall subscribe and acknowledge, before an officer authorized to take acknowledgments of deeds, articles of incorporation, the form of which shall be prescribed by the secretary of state, which must contain:

1. The name of the corporation, which shall begin with the word "The" and end with the word "Company," unless the organization is not for profit

2. The place where it is to be located, or where its principal business is to be transacted.

3. The purpose for which it is formed.

4. The amount of its capital stock, if it is to have capital stock, and the number of shares into which the stock is divided.

5. Provided, any association of five or more persons, who are residents of the state of Ohio, and who are associated, not for profit, and as the principal or ruling organization over

subordinate organizations, associated, not for profit, and having a definite location or place of business in the state of Ohio, may be incorporated, having its location, or principal place of business in the state of Ohio, and without naming, in its articles of incorporation, a permanent place where it is to be located, or where its principal business is to be transacted. But such association must name, in its articles of incorporation, the place where it is to be located, or where its principal business is to be transacted, at the time of its incorporation, with the name and place of residence of its then principal officers. And when such association changes its place where located, or the place where its principal business is transacted, it shall be the duty of its principal officer, under its seal, if it has one, countersigned by the officer acting as secretary of such association, to certify to the secretary of state of Ohio, the place then selected by such association, as its location, or where its principal business is to be transacted, with the name of its principal officers, and their places of residence, which certificate the secretary of state shall record for public use in the records of his office.

SECTION 2. That section 3236, as amended April 16, 1885 (82 O. L., 134), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 560.]

AN ACT

To amend section one of an act entitled "an act creating the office of criminal bailiff, and to prescribe his duties in counties of the first class, having a population of one hundred and eighty thousand and upwards," passed April 2, 1879 (O. L., v. 76, p. 54).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of the above recited act be amended so as to read as follows :

Sec. 1. That in all counties having a population of one hundred and eighty thousand and upwards, at the federal census of 1870, the judges of the court of common pleas, shall, within twenty days after the passage of this act, and every two years thereafter, appoint a criminal bailiff [for such] county, who shall hold his office for the term of two years and until his successor is appointed and qualified.

Criminal
bailiff.

SECTION 2. All acts and parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed ;

and this act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 571.]

AN ACT

To reimburse M. C. Miraben, a private in battery G, 1st regiment, Ohio National Guard, for expenses incurred on account of an injury received while in the discharge of duty.

Preamble

WHEREAS, At the centennial celebration at the city of Marietta, Ohio, on the 14th day of July, 1888, one M. C. Miraben, a private in battery G, 1st regiment, Ohio National Guard, was injured while in the discharge of duty, acting under official orders, by the premature discharge of a cannon, whereby his right arm was blown off, and he was substantially deprived of the power of speech; and

WHEREAS, Because of said injury, he not only endured great physical suffering, and is permanently disabled, but was subject to a heavy expense for medical and surgical attendance, and various other matters pertaining to said injury, amounting to \$491.86; therefore,

Appropriation
to reimburse
M. C. Miraben.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of four hundred and ninety-one dollars and eighty-six cents, to reimburse said M. C. Miraben for the expense incurred as aforesaid.

SECTION 2. This act shall take effect upon its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 581.]

AN ACT

To authorize and direct the governor of the state of Ohio to convey by deed to J. R. Allen a tract of land in section 16, town 10, range No. 16, Vinton county, Ohio.

Preamble.

WHEREAS, J. R. Allen, the assignee of the purchasers of the following tract of land situate in Vinton county, Ohio,

to-wit: The west half of the northeast quarter of section No. 16, township No. 10, range No. 16, of said county, and his assignors, under a certificate of purchase, have already paid into the state treasury, as principal, the sum of \$810.00, and the sum of \$640.89 interest, making an aggregate sum of \$1,450.89; said sum of \$810.00 being far above the true value of said land; and

WHEREAS, A majority of the freeholders of said township have petitioned this general assembly of the state of Ohio, asking that the governor be authorized to convey said premises to said J. R. Allen; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of Ohio be and he is hereby authorized and directed, on demand, to execute and deliver to said J. R. Allen a deed of conveyance in fee simple for the premises herein described.

Authorizing the conveyance, by the governor, to J. R. Allen of certain lands.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 582.]

AN ACT

To authorize and direct the governor of Ohio to convey by deed to the widow and heirs-at-law of Isaac Climer, a tract of land in section 16, town 10, range No. 16, Vinton county, Ohio.

WHEREAS, Isaac Climer, the assignee of the purchaser of the following tracts of lands, to-wit: The south half of the southwest quarter of section number sixteen, township number ten, range number sixteen, in Vinton county, Ohio, and his assignors, under a certificate of purchase, have already paid into the state treasury, as principal, the sum of three hundred and fifty-eight dollars and sixty cents, and forty-two dollars interest, an amount which is more than the true value of said lands; and

Preamble.

WHEREAS, Said Isaac Climer, some time after the purchase of the interest in said land, died, leaving a widow and children, who are his heirs-at-law, named as follows: Henry Climer, Levi Climer, Hilles Climer, James C. Climer, Charles Climer, Anna Climer, Carrie Climer, Jane Climer Thompson and George Climer; and

WHEREAS, A majority of the freeholders of said township have petitioned the general assembly of the state of Ohio, asking that the governor of Ohio be authorized to convey said premises to the widow and heirs, herein named, of said Isaac Climer; therefore,

Authorizing
the governor
to convey cer-
tain lands to
the heirs of
Isaac Climer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor of Ohio be and he is hereby authorized and directed to convey, by deed, to the said heirs, and the widow of said Isaac Climer, herein mentioned, the said premises herein described.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 587.]

AN ACT

To amend section 3 of an act passed April 11, 1888 (85 vol., 183), to regulate the payments of dividends by the directors of corporations, and supplementary to chapter 1, title 2, part 2, of the Revised Statutes of Ohio, as amended by an act [passed] March 14, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of an act entitled "an act to regulate the payment of dividends by the directors of corporations, and supplementary to chapter 1, title 2, part 2, of the Revised Statutes of the state of Ohio," passed April 11, 1888, as amended by an act passed March 14, 1889, be amended so as to read as follows:

Surplus profits;
how ascer-
tained.

Sec. 3. In order to ascertain the surplus profits, from which alone a dividend can be made, there shall be charged in the account of profit and loss, and deducted from the actual profits—

1. All the expenses paid or incurred, both ordinary and extraordinary, attending the management of the affairs and the transaction of the business of the corporation.

2. Interest paid, or then due or accrued on debts owing by the corporation.

Prohibiting
advertisement
of capital not
subscribed and
paid in.

3. All losses sustained by the corporation, and in the computation of such losses, all debts owing to the corporation shall be included which shall have remained due without prosecution, and no interest having been paid thereon for more than one year, or on which judgment shall have been recovered, and shall have remained for more than two years unsatisfied, and on which no interest shall have been paid during that period; and no such corporation shall advertise a larger amount of capital stock than has actually been subscribed and paid in; also, shall not advertise a greater dividend than what has been actually earned and credited or paid to its stockholders or members.

SECTION 2. That said section three, as amended by said act passed March 14, 1889, be and is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[House Bill No. 407.]

AN ACT

To regulate the sale of milk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whoever, by himself or by his servant, or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk from diseased or sick cows, shall, for a first offense, be punished by a fine of not less than fifty nor more than two hundred dollars; for a second offense, by fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the work-house for not less than thirty nor more than sixty days; and for a subsequent offense, by fine of fifty dollars, and by imprisonment in the work-house of not less than sixty nor more than ninety days.

Regulating the
sale of milk.

SECTION 2. Whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or part thereof has been removed, shall be punished by the penalties provided in the preceding section.

Pure milk.

SECTION 3. No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange, or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, milk from which the cream or part thereof has been removed, unless in a conspicuous place, above the center, upon the outside of every vessel, can or package, from which or in which such milk is sold, the words "skimmed milk" are distinctly marked in uncondensed gothic letters not less than one inch in length. Whoever violates the provisions of this section shall be punished by the penalties provided in section 1.

Skimmed
milk.

SECTION 4. In all prosecutions under this chapter, if the milk is shown upon analysis to contain more than eighty-seven per cent. of watery fluid, or to contain not less than twelve and one-half per cent. solids, not less than one-fourth of which must be fat, it shall be deemed, for the pur-

Adulterated
milk defined.

pose of this chapter, to be adulterated, and not of good standard quality, except during the months of May and June, when milk containing less than twelve per cent. of milk solids shall be deemed to be not of good standard quality.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 616.]

AN ACT

To govern the sale and payment for drain tile, and ditch pipe in public ditch improvement.

Providing for
inspection of
drain tile.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the engineers or surveyor shall be authorized to receive bids for drain tile, or ditch pipe, generally, at the same time and place as the balance of the ditch improvement. Said engineer or surveyor shall, on or before thirty days after the delivery, count and inspect such tile or pipe, and for such that are first class, merchantable, good tile or pipes, and in every particular complying with the contract and specification, he shall issue his certificate showing the acceptance of the same. The auditor shall, upon presentation of such certificate to him, draw his warrant on the treasurer of the county for the full amount, and the county treasurer shall pay the same out of any fund in the treasury applicable to such purpose.

SECTION 2. This act shall take effect and be in full force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 801.]

AN ACT

To amend section 4715 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4715 of the Revised Statutes be amended so as to read as follows :

Sec. 4715. Every supervisor shall open, or cause to be opened, and also keep in repair, all public roads and highways which are laid out and established in his road district, and remove, or cause to be removed, all encroachments, by fences or otherwise, and all obstructions that may from time to time be found thereon; and supervisors may enter upon any uncultivated or improved lands, unincumbered by crops, near to or adjoining such roads, cut or carry away timber, except trees or groves or improved lands planted or left for ornament or shade, and may dig, or cause to be dug and carried away, any gravel, sand or stone which may be necessary to make, improve or repair any such road, and that the owner of such property so taken by the supervisor be paid a reasonable compensation therefor, to be assessed by the trustees, and said claimant, for his damages, may have an appeal, as hereinbefore provided for in section forty-six hundred and ninety-nine, and the amount found due shall be paid as provided in section 4745.

Duties and powers of supervisors.

SECTION 2. That section 4715 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in full force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 1044.]

AN ACT

To amend section 2679 of the Revised Statutes of Ohio, as amended February 22, 1887 (84 O. L., page 34).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2679 of the Revised Statutes of Ohio, amended February 22, 1887, be amended to read as follows:

Sec. 2679. The judges of the court of common pleas of any county, other than the county described in section 2678, in which there is a law library association, which provides to all county officers and judges of the several courts the use of its law books, free of charge, shall, upon the recommendation of the trustees of such association, appoint a suitable person as a special bailiff to act as librarian of such association, and fix his compensation at a sum not to exceed five hundred dollars, to be paid out of the county treasury.

Appointment and compensation of librarian in certain counties.

SECTION 2. That section 2679 of the Revised Statutes of Ohio, as amended February 22, 1887, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 1218.]

AN ACT

To enact a supplementary section to section 1122 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a supplementary section numbered 1122a of the Revised Statutes be enacted as follows:

Payments by
county treas-
urers into
depositories in
certain cities.

Sec. 1122a. In counties containing a city of the second grade of the first class, where a depository for the money of such city, and city school district is provided for by law, and where a bank has been designated as such depository, the county auditor shall, upon the demand of the auditor of said city, or of the proper officers of the board of education of such city school district, draw his warrant on the county treasurer for the payment of taxes collected for said city, or city school district, as the case may be, and shall deliver said warrant to the city auditor, or his duly appointed deputy, when drawn for payment of taxes collected for such city, and to the proper officer of the board of education when drawn for the payment of taxes collected for such city school district. Said warrant shall be made payable to the order of the treasurer of said city, and also to the order of the bank then duly designated as the depository of said city; and shall be paid by the county treasurer only after it shall have received the indorsement of said city treasurer and said city depository. Upon receipt by the city auditor or the proper officer of the board of education of any such warrant, he shall immediately enter the number and amount thereof on his books to the credit of "undistributed tax," and forthwith deliver said warrant to the city treasurer, who shall treat the same as cash; and the city depository shall receive the same as cash, giving the city or board of education, as the case may be, credit for the amount thereof; provided, that if said warrant be not paid upon presentation in the regular course of business, it shall be immediately returned to the city auditor or proper officer of board of education by the channel through which it issued, and the city or board of education shall be charged therewith on the books of the depository and the city treasury; provided, that after the lapse of three days from its date, the city auditor, or the proper officer of the board of education, may distribute the amounts thereof to the various funds of the city or board of education thereof, in accordance with the report of the county

auditor's semi-annual settlement, and thereafter said warrant may not be returned to him for non-payment.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April, 10 1889.

[House Bill No. 1329.]

AN ACT

to amend an act entitled "an act to provide for annual leave of officers and members of fire departments in certain cities," passed March 1, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act to provide for annual leave of officers and members of fire departments in certain cities," passed March 1, 1889, be so amended as to read as follows:

Sec. 1. That officers and members of all regularly established fire departments, in every city of the first, third and fourth grades of the second class, shall have leave of absence twelve days in each year, without loss of pay, and the city council may provide by ordinance or resolution for such leave of absence.

SECTION 2. That section one of the above recited act, passed March 1, 1889, be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 1429.]

AN ACT

to give consent to the purchase, by the United States, of a site for the erection of a fish hatching house, on South Bass island, in Ottawa county, Ohio, and ceding jurisdiction over the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the consent of the state of Ohio is hereby given to the purchase, by the United States of America, of one or more pieces of land, situate on the South Bass island, Ottawa county, Ohio, not exceeding one acre in quantity, more fully described as follows: being situate upon the southeast shore

Providing for
leave of ab-
sence of mem-
bers of fire
department in
certain cities.

Giving consent
to the pur-
chase by the
United States
of a site for a
fish hatchery
on South Bass
island.

of Peachpoint, and commencing at a point near to the northwest corner of the bay ; and thence extending northeastwardly, a distance of two hundred feet, fronting upon the shore, and extending back from the front line, not more than one hundred and twenty feet, on which to erect a public building and appurtenances, for the purpose of propagating of fish, and other government uses ; and the said United States shall have, hold, use, occupy and own the said land when purchased, and exercise exclusive jurisdiction and control over the same, and each and every part thereof, subject to the restriction hereinafter mentioned.

Jurisdiction.

SECTION 2. The jurisdiction of the state of Ohio in and over the land mentioned in this act, when purchased by the United States, shall be and the same is hereby ceded to the United States, to continue so long, and no longer, than the United States shall own and occupy the said land.

Reservation.

SECTION 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of Ohio shall retain concurrent jurisdiction with the United States in and over said land, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of Ohio, against any person or persons charged with any crime, misdemeanor or offense committed within said state, including said land, may be served and executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States ; and also upon the further condition that all persons who are now residing, or shall hereafter reside upon said land so acquired, shall, subject to the general laws of this state, be deemed and held to be citizens of the state of Ohio, entitled to all the privileges and subject to all the liabilities and duties of citizens of this state ; and the taking possession of said lands by the United States shall be taken and held as an acceptance on the part of the United States of all the stipulations, conditions and terms of this act.

Conditions of
cession.

SECTION 4. The jurisdiction ceded by this act shall not vest until the United States has acquired the title of said lands by purchase or otherwise ; and so long as said land shall remain the property of the United States, and no longer, the same shall be exempted from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

SECTION 5. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 307.]

AN ACT

To make additional judges provided for in an act entitled "an act to authorize the election of an additional judge of the court of common pleas in the first sub-division of the second judicial district of the state of Ohio," passed May 1, 1871 (68 O. L., 91, Williams' Revised Statutes, vol. 3, p. 587); and an act entitled "an act to authorize the election of one additional judge of the court of common pleas in the first sub-division of the second judicial district of Ohio, and to repeal sections 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521 and 522 of the Revised Statutes, known as 'an act to establish the superior court of Montgomery county,'" passed March 19, 1885 (82 O. L., 84), elective in the judicial sub-division of which Montgomery county is a part.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the additional judges of the common pleas court, authorized by an act entitled "an act to authorize the election of an additional judge of the court of common pleas in the first sub-division of the second judicial district of the state of Ohio," passed May 1, 1871 (68 O. L., 91, and Williams' Statutes, vol. 3, p. 587); and an act entitled "an act to authorize the election of one additional judge of the court of common pleas in the first sub-division of the second judicial district of Ohio, and to repeal sections 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521 and 522 of the Revised Statutes, known as 'an act to establish the superior court of Montgomery county,'" passed March 19, 1885 (82 O. L., 84), shall reside and be elected in the judicial sub-division of which Montgomery county is made a part.

Election of
judge in sec-
ond judicial
district.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 974.]

AN ACT

To amend section 2818 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2818 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 2818. The state board of equalization shall consist of as many members as compose the state senate, chosen at the last previous election of members of the general assembly,

Decennial
state board of
equalization,
constitution
and election.

and representing the same districts, all of whom shall have the qualifications of electors, and the qualified electors of each senatorial district shall, at the November election in the year one thousand eight hundred and ninety, and each tenth year thereafter, elect persons to serve as members of such board of equalization in accordance with the provisions of this chapter, and the returns of the poll-books and certificate of election shall be governed by the law regulating the election of senators; and in case of vacancy in such office, either by death or resignation, or otherwise, the governor of the state shall have the power to appoint a person who shall be a resident elector of the district so vacated, to fill such vacancy as soon as he shall be informed thereof; the auditor of the state shall, by virtue of his office, be a member of this board. The said board shall meet at Columbus on the first Tuesday of December, one thousand eight hundred and ninety, and every tenth year thereafter, and the members thereof shall each take an oath that he will, to the best of his knowledge and ability, so far as the duty devolves on him, equalize the valuation of real property among the several counties and towns in the state, according to the rules prescribed by this table for valuing and equalizing the value of real property transmitted to him by the several county auditors. Said board shall proceed to equalize the same among the several towns and counties in the state, in the manner hereinafter prescribed:

Duties as to
equalization
of real prop-
erty.

1st. They shall add to the aggregate value of the real property of every county which they shall believe to be valued below its real value in money, such per centum in each case as will raise the same to its true value in money.

2nd. They shall deduct from the aggregate valuation of the real property of every county which they shall believe to be valued above its true value in money, such per centum in each case as will reduce the same to its true value in money.

3rd. If they shall believe that right and justice require the valuation of any town or towns in any county, or of the real property of such county, not in towns, to be raised or to be reduced without raising or reducing the other real property of such county, or reducing it in the same ratio, they may, in every such case, add to or take from the valuation of any one or more or [of] such towns, or of property not in towns, such per centum as they shall believe will raise or reduce the same to its true value in money.

4th. If, in their judgment, the aggregate value of all the real property of the state, as returned by the county auditors, is above or below its true value in money, they may increase or reduce it, but such increase or reduction shall not exceed twelve and one-half per centum of said aggregate; provided, that if any increase or reduction shall be made in the valuation of the grand aggregate, it shall only be made after the equalization of all the counties of the state; and when such increase or reduction is made, it shall be the same per cent. of the equalized valuation in every county of the state.

5th. Said board shall keep a true and full account of their proceedings and orders.

SECTION 2. That said original section 2818 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1132.]

AN ACT

For the relief of Elizabeth Grisso.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasury to pay Elizabeth Grisso, of Clarke county, Ohio, the sum of five hundred dollars out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, which sum shall be in full liquidation and payment to her for all expenses incurred, or that may be incurred, by her incident to the sickness, death, and burial of her son Orsos Grisso, late a private in battery E, 1st regiment artillery, Ohio National Guard, who died September 21, 1887, from wounds received September 14, 1887, by the premature discharge of a cannon which he was serving on the occasion of the dedication on the battle-field of Gettysburg, Pennsylvania, of the monuments erected by the authority of the state of Ohio to the memory of Ohio soldiers who fell upon that battle-field.

Appropriation
for relief of
Elizabeth
Grisso.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1168.]

AN ACT

To amend an act entitled "an act giving justices of the peace, mayors, and police judges final jurisdiction in certain cases," passed April 16, 1888 (O. L., v. 85, p. 285).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be amended so as to read as follows: That justices of the peace, mayors, and police judges shall have final jurisdiction in all cases arising under the pro-

Giving to jus-
tices, mayors
and police
judges final
jurisdiction in
certain cases.

visions of sections sixty-nine hundred and sixty, sixty-nine hundred and sixty-one, sixty-nine hundred and sixty-three, sixty-nine hundred and sixty-four, sixty-nine hundred and sixty-five, sixty-nine hundred and sixty-seven, and sixty-nine hundred and sixty-eight of the Revised Statutes; provided, that the defendant shall be entitled, on demand, to trial by jury. If such prosecutions be before a justice of the peace, and a trial by jury be not waived, the said justice shall issue a venire to any constable, or fish and game warden, of the county, containing the names of sixteen electors of the county, to serve as jurors to try such case, and make due return thereof. Each party shall be entitled to two peremptory challenges, and shall be subject to the same challenges as jurors are subject to in criminal cases in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel, the justice may direct the constable, or fish and game warden, as the case may be, to summon any of the by-standers to act as jurors; but costs shall not be required to be advanced or paid by a person or an officer authorized or required by statute to prosecute such cases; and if the defendant be acquitted, or if he be convicted, and committed to jail in default of payment of fine and costs, the justice, mayor, or police judge, before whom the case was brought, shall certify such costs to the county auditor, who shall examine, and, if necessary, correct the account, and issue his warrant to the county treasurer in favor of the respective persons to whom costs are due, for the amount due to each.

Costs.

SECTION 2. Said original act is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1237.]

AN ACT

To supplement section 3835 of the Revised Statutes of Ohio, relating to building and loan companies, with sectional numbering as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3835 be supplemented with sectional numbering as follows:

Dissolution or consolidation of building and loan associations.

Sec. 3835j. Such corporations shall be authorized to provide in their constitution and by-laws for the time and terms of dissolution of such corporations; also for the consolidation of one or more of such corporations into one, upon such terms and conditions as may be ratified by the board of directors; also in case of dissolution of such corporations the board of directors may, by a majority vote, be authorized to sell and

transfer their mortgage securities or other property to other corporations or other persons, subject always to all the vested and accrued rights of the mortgagors, but such sale or transfer of such mortgage securities shall not be good and valid unless the same is authorized by a majority vote of the entire board of directors of such corporations.

SECTION 2. This act shall be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1347.]

AN ACT

To amend sections 882, 1215, as amended March 21, 1887, 1339 and 1340, as amended April 17, 1882 (vol. 79, page 149).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 882, 1215, as amended March 21, 1887, 1339 and 1340, as amended April 17, 1882, be amended so as to read as follows:

Sec. 882. The clerk of the common pleas and circuit courts, in each county, shall report to the county commissioners, on the first Monday in September, annually, a certified statement of the amount of fines assessed by the court in criminal cases during the year next preceding the time of making such statement, and also the amount of fines collected during the same period, naming the party or parties to each case, together with the statement of the amount of funds paid by him, pursuant to law, into the county treasury, naming the source or sources from which said funds were derived.

Report by
clerk of com-
mon pleas and
circuit courts.

Sec. 1215. The books by this chapter required to be kept shall not be removed from the sheriff's office, but shall be delivered over, without mutilation, as public property, to each succeeding sheriff; and any sheriff who willfully fails or neglects, or refuses to comply with this or the next preceding section, shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, and imprisonment in the county jail not less than thirty days nor more than two years.

Books of sher-
iff to be de-
livered to
successor

Sec. 1339. The clerk of each court, "common pleas and circuit," each probate judge, and sheriff of each county, shall, on the first Monday of January in each year, make out two certified lists of causes in which money has been paid, and which have remained in his hands, or any former clerk, probate judge, or sheriff, for a period of one year next preceding the said first Monday of January, designating the amount and in whose hands the same is, one of which lists shall be, by said clerk, probate judge and sheriff, set up in some conspic-

Clerk of court
and sheriff to
make lists of
unclaimed
costs.

uous place in his office for the period of thirty days, and the other at or on the door of the court house, on the second Monday of January, for the same period of time as aforesaid; provided, that if, from any cause, the lists named as aforesaid have not heretofore been made as herein provided, the same shall be published within sixty days from the passage of this act.

Disposition of
fees, costs, etc.,
unclaimed.

Sec. 1340. All such advertised moneys, fees, costs, debts, damages, etc., remaining in the hands of such clerk, probate judge, and all unclaimed moneys, "other than costs," remaining in the hands of the sheriff from expiration of thirty days from the ending of the time of such advertisement, shall be, by said clerk, probate judge and sheriff, as aforesaid, or successor of either, paid over to the treasurer of the county, on the order of the county auditor, indicating in each item in his cash book "and docket" the disposition made thereof; and every sheriff in the state of Ohio, who retired from office in the month of January, 1882, or since, and every clerk and probate judge in the state of Ohio, who retired from office in the month of February, 1882, or since, shall, at once, on the passage of this act, pay over to his successor all other moneys in his hands, received as such officer; and every clerk, probate judge, and sheriff, hereafter, immediately upon ceasing to be such clerk, probate judge, or sheriff, shall pay over to his successor aforesaid all money then in his hands, received as such officer; and any person entitled to any money turned into the treasury aforesaid, under this section, shall, upon demand, receive a warrant therefor from the auditor, payable to the order of the person named in the list furnished the auditor as hereafter provided, upon the certificate of the clerk, probate judge, or sheriff, in office at the time said demand is made; and all costs certified out of the county treasury in criminal cases, and afterwards collected and paid into the hands of the clerk, probate judge, or sheriff, and all fines paid into their hands, shall be, by said clerk, probate judge or sheriff, paid into the county treasury on or before the Saturday next preceding the beginning of each term of the court of common pleas; and said clerk, probate judge, or sheriff, shall keep a book, which shall be considered a part of the records of his office, showing in detail all the moneys paid by him into the county treasury, with proper references showing where each item may be found on their respective cash books and docket[s], giving the names of the parties to whom said money belongs, in alphabetical order; a detailed statement of each item shall be furnished the county auditor, and no clerk, probate judge, or sheriff, shall receive from his successor in office any fees earned by him, which shall, at any time, come into the hands of said successor, until the settlements required under this section are all strictly complied with. For making out lists as herein provided for, and payment of unclaimed moneys into the treasury, the probate judge and sheriff shall be allowed five per centum on the amount so paid.

SECTION 2. That said sections 882, 1215, as amended March 21, 1887, and 1339, and section 1340, as amended April 17, 1882, are hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1384.]

AN ACT

To supplement section twenty-three hundred [and] three (2303) of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand three hundred [and] three (2303) of the Revised Statutes be supplemented by a supplementary section, with sectional number as follows:

Sec. 2303a. In cities of the third grade of the first class, in any case in which such improvement or repair will cost to exceed five thousand dollars (\$5,000.00), and such cost, or any part thereof in excess of two-thirds, is made or is to be made a special assessment on the lots and lands abutting on the street, avenue, or alley to be so improved or repaired, the character of the material shall not be determined upon before bids are received, unless in compliance with written petitions of the owners of a majority of the feet front of such lots and lands, and shall be so determined upon when such petitions are presented before the passage of the resolution declaring such improvement or repair necessary, or before twenty days after service of notices and first publication of passage of such resolution, unless such material is named in such published resolution, and for which bids shall be solicited by advertising as provided in paragraph first of section 2303; and when so petitioned for as aforesaid, as many different kinds of material shall be named in said resolution and bids advertised for, as may be requested in such petitions; and such material shall be determined upon after the bids are received as may be so petitioned for as aforesaid, within ten days after the city engineer has completed for the inspection and examination of those interested a careful calculation and estimate of the aggregate cost of such improvement or repairs, under the lowest bid for each kind of material, including for labor, but the council may, at its discretion, reject all the bids.

When cost exceeds \$5,000, character of material for improvement of streets in certain cities not to be decided until bids are received.

Exceptions.

SECTION 2. That this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

AN ACT

To authorize certain cities of the fourth grade, second class, to purchase lands and erect buildings thereon, and to issue bonds therefor.

Authorizing certain cities fourth grade, second class, to purchase lands and erect buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the fourth grade, second class, which, by the last federal census of 1880 had, and which by any subsequent federal census may have, a population of five thousand six hundred and thirty-five, is hereby authorized to contract for and purchase land, and erect buildings thereon, and for that purpose to issue bonds to the amount of fifty thousand dollars, in such denominations, in such amount at any one time, and payable at such times as the city council shall by resolution determine. Such bonds shall be signed by the mayor, countersigned by the clerk and attested by the seal of such city, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually from the date thereof.

Sale of bonds.

SECTION 2. That the council of any such city may negotiate such bonds for cash, or it may deliver the same in payment for such real estate, or for the construction of any building or buildings, but in no case shall such bonds be disposed of at less than the par value thereof, and no contract shall be awarded until the contractor shall enter into bonds to such city in double the amount of any such contract, conditioned that such contractor shall fully perform all the obligations imposed upon him by such contract.

Council may lease or sell real estate or buildings.

SECTION 3. That said city council is hereby authorized to lease such real estate and buildings, if there be any, for such terms and on such conditions and reservations as may by it be determined by resolution; or such city council may sell and convey such real estate and buildings, if there be any, or any buildings that may be contracted for to be built, for such consideration and upon such terms, conditions and reservations, and to such person or persons, as may by it be determined by resolution.

Proposition to be submitted to vote.

SECTION 4. That the powers herein conferred shall in no case be exercised, in whole or in part, by the council of any such city until thereto authorized by a vote of the qualified electors of such city, taken at a general or special election held therein; that for the purpose of submitting such proposition to a vote of such electors, the clerk of such city, for that purpose, shall give notice of the time of holding such election, which shall be published in all the newspapers published in such city at least ten days prior to the day of holding such election; such election shall be held at the usual places of holding elections, and by the officers authorized to preside at elections in such city. The poll-books and tally-sheets of such election shall be forthwith returned to the clerk of such city, who, with the mayor of such city, shall, at any regular or special meeting of the city council, and in the presence of a

...orum of such council, proceed to canvass such vote, and the city clerk shall enter the number of votes cast for such proposition, and the number of votes against such proposition in each city, and if it shall appear by the returns of such election that a majority of all the electors voting at such election have voted in favor of such proposition, such city council shall be authorized to exercise the powers conferred by this act, and if a majority of such electors voting at such election shall not have voted in favor of such proposition, such council shall not exercise the powers conferred by this act. The ballots voted at such election shall have written or printed thereon the words, "For the issue of bonds—Yes;" and those against, "For the issue of bonds—No."

SECTION 5. That the resolution of such city council herein provided for shall forthwith be entered by the city clerk upon the ordinance book of such city, and shall take effect after its legal publication.

Duty of clerk
as to resolution
of council.

SECTION 6. That all contracts or conveyances authorized by this act shall, upon the part of such city, be signed by the mayor, countersigned by the clerk, and attested by the seal of such city; and the city council is hereby authorized to levy such tax, in addition to the rate now authorized by law, upon the taxable property of such city, each year thereafter, as may be necessary to pay the interest on such bonds as the same may become due, and to provide a sinking fund to pay the principal of such bonds at maturity.

Levy of tax.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1453.]

AN ACT

Providing for the use of the armory by the police force in cities of the first grade, first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the police force of any city of the first grade of the first class, in which there is an armory for the Ohio National Guard, erected and maintained at the public expense, shall be permitted to use said armory for drill and inspection purposes, free of cost, subject to such rules and regulations as may be adopted by the commissioners of the county in which such city is situated.

Providing for
use of armory
by police in
Cincinnati.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1477.]

AN ACT

To authorize the licensing of transient dealers by cities of the second grade of the second class.

Authorizing
the licensing
of transient
dealers in cer-
tain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second grade of the second class may provide by ordinance for licensing transient dealers or persons who open stores or places for the temporary sale of goods, wares or merchandise, and in granting such license may exact and receive such sum of money as it may think expedient, and may delegate to the mayor of such city the authority to grant and issue such licenses and revoke the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 11, 1889.

[House Bill No. 1243.]

AN ACT

To define the legal residence of electors who may be inmates of infirmaries in counties having a population at the last federal census in 1880, and which, at any subsequent federal census, may have a population of 42,871.

Defining legal
residence of
inmates of
infirmaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the legal residence of any qualified elector, who may be an inmate of an infirmary in any county of the state, having a population at the last federal census, in 1880, and which, at any subsequent federal census, may have a population of 42,871, shall be the ward, precinct or township of such city or county where said inmate was domiciled or resident at the time of his admission to said infirmary, and shall so continue during the time he may be an inmate thereof.

SECTION 2 This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1308.]

AN ACT

to amend section 2948 of the Revised Statutes of Ohio, as amended April 17, 1882 (79 v., 106).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2948 of the Revised Statutes of Ohio, as amended April 17, 1882 (79 v., 106), be amended so as to read as follows:

Sec. 2948. All ballots shall consist of plain white paper, with the name or names written, or of plain white news printing paper, not more than two and one-half nor less than two and one-fourth inches wide, with the name or names printed in black ink, and with a blank space of not less than one-fifth of an inch lengthwise of the ticket, after one name for each office; or in case two or more persons are to be elected to the same office, like spaces after as many of the names as there are persons to be elected to that office, and without any mark or device by which one ticket may be distinguished from another, except the words at the head of each; and it shall be unlawful to print, for distribution at the polls, to furnish to any elector, or to vote, any ballot other than such as herein prescribed; provided, however, that any name may be corrected, erased, or written in pencil mark or ink, or substituted by means of white printed adhesive slips, printed in red ink, and securely attached over the name they desire to erase on the face of the printed ballots.

How ballots to
be written or
printed.

SECTION 2 Section 2948 of the Revised Statutes of Ohio, as amended April 17, 1882 (O. L., v. 79, p. 106), is hereby repealed.

SECTION 3. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1339.]

AN ACT

To authorize cities of the second grade of the second class to issue bonds for the purpose therein specified.

Certain cities
authorized to
issue bonds for
construction
of levees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second grade of the second class be and they are hereby authorized to issue bonds, to be entitled "levee bonds," in the sum of twenty thousand dollars, to be sold according to law; the money arising from the sale of such bonds to be paid into the city treasury of such city and placed to the credit of the levee fund, to be expended for the purpose of building a levee along the north bank of Mad river, from Keowee street to the Miami and Erie canal, and to no other purpose whatever. Said bonds shall be of such denominations as the city council of such city may deem best, in any sum not in excess of the amount hereinbefore named, and for a length of time not exceeding twenty years, and at a rate of interest not exceeding five per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than their par value. Said bonds shall be signed by the mayor and clerk of such city and be sealed with the seal of the corporation.

SECTION 2. The council of any such city is hereby authorized to levy an annual tax not in excess of three-tenths of one mill on the general duplicate of such city, in addition to the other taxes heretofore authorized to be levied, or hereafter to be levied for the redemption of said bonds and payment of the interest thereon, until the said bonds and the interest thereon are paid, and the said bonds redeemed as the same may become due.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1364.]

AN ACT

To establish an efficient board of public affairs in cities of the third grade of the second class.

Providing for a
board of pub-
lic affairs in
certain cities,
third grade,
second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the third grade of the second class, which were advanced to said third grade, second class, during the year of our Lord one thousand eight hundred and eighty-seven, and which had, according to a census taken in such

cities in compliance with the provisions of chapter 4, division 2, title XII, Revised Statutes, a population of ten thousand two hundred and twenty-one on the 20th day of May in the said year of our Lord one thousand eight hundred and eighty-seven, there shall be a board of public affairs, composed of three members, electors of such city, to be appointed by the governor, not more than two of whom shall be members of the same political party, and who shall be so appointed, one for three years, one for four years and one for five years, and thereafter at the expiration of each term, one member shall be appointed to serve for five years; and all vacancies, from whatever cause, shall be filled by the governor for the unexpired term, and shall be so filled that not more than two of the members of said board shall be members of the same political party. The members of said board, before entering upon their duties, shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the constitution of the United States and of the state of Ohio, to obey the laws, and in all their official actions and judgments to aim only to secure and maintain an honest and efficient administration of public affairs; and the appointed members shall serve until their successors are appointed and shall have qualified.

How appointed;
term.

SECTION 2. Each member shall give bond, with at least three sureties, in the sum of twenty-five thousand dollars, conditioned for the faithful performance of his duties, which sureties shall each be required to take and subscribe an oath that he is worth that part or portion of the amount of the said bond in which he so becomes surety over and above all his liabilities; and each of the said bonds shall be approved by the mayor and city solicitor, and deposited in the office of the said city solicitor for safe keeping.

Bond.

SECTION 3. The members of the said board shall devote their entire time and attention to the duties of the office, and shall each receive as compensation a salary of twelve hundred dollars per annum; and each member of such board shall personally supervise the construction, paving, cleaning, repairing and improvements of the streets, alleys, avenues, lanes, public ways, market houses and spaces, bridges, sewers, drains, ditches and culverts in one of the districts into which such city shall be, by the said board, divided.

Compensation
and duties of
members of
board.

SECTION 4. A member of the board may be removed from office for misfeasance, malfeasance, or nonfeasance in office, in the manner provided for the removal of certain officers in chapter three, of division four, of title twelve of the Revised Statutes.

Removals.

SECTION 5. The board of public affairs herein provided for, shall have all the powers and perform all the duties heretofore conferred upon or required of the board of improvements, the board of gas trustees, the board of water works trustees, the board of health, or either of said boards, by any law now in force; and such board of public affairs shall be considered in all respects the successor of said board of improve-

Powers of
board.

Board to approve ordinances passed and expenditures made by council.

Duty of board as to public ways, buildings, parks, etc.

Organization of board.

Salary of secretary.

ments, board of gas trustees, board of water-works trustees and board of health, which are hereby abolished; and all powers and duties connected with and incident to the construction, paving, cleaning, repairing, extending and improving of all streets, alleys, avenues, culverts, bridges, drains, ditches and sewers, and the control and superintendency of all parks, shall be vested in said board of public affairs. All powers and duties connected with the office of street commissioner in such cities shall devolve upon and be performed by said board of public affairs; and the office of street commissioner in such cities is hereby abolished. And no resolution or ordinance recommended to and amended in the city or common council of said cities, shall take effect until approved by said board of public affairs; and no resolution or order in which the expenditure of money is involved, or ordinance, resolution or order for the expenditure of money, no contract for the payment of money, or for granting any franchise, or creating any right, or for the purchase, lease, sale, or the transfer of property which shall have passed such city or common council, except such as levying special taxes for the improvement of streets, shall take effect until approved by at least two members of the said board of public affairs; and for such final approval every such ordinance, resolution, order or contract, shall be submitted to the said board, after being approved by the mayor, or after being recommended and passed by the said council, if disapproved by the mayor. The said board shall employ such superintendents, laborers and other persons as it may deem necessary for the constructing, paving, cleaning, repairing and improving of the streets, alleys, avenues, lanes, public ways, market houses and spaces, bridges, sewers, drains, ditches, culverts and parks in said cities, and shall have the power, if they deem it for the best interest of the city, to let said construction, paving, cleaning, repairing and improving of said streets, alleys, avenues, bridges, etc., to contract, having first advertised for bids therefor, said advertisements to be published for ten days in two newspapers of general circulation in said cities; and said contract shall be awarded to the lowest and best responsible bidder; provided, that said board may reject any and all bids and re-advertise.

SECTION 6. Within five days after the appointment and qualification of the original board appointed pursuant hereto, said members shall meet and effect an organization of said board by the selection of a president and secretary thereof; said president shall preside at the meetings of said board, and perform such other duties as may be prescribed. The secretary of the said board shall keep the records of said board, have charge of the office of the board, and perform such other duties as may be required of him by the board, and may be removed by the board at any time. The said secretary shall receive a salary to be fixed by said board and not to exceed the sum of eight hundred dollars per annum, and shall give bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and for the faithful accounting for [of] all moneys that may come into his

hands as such secretary; said bond to be approved by the said board, and filed with the solicitor of said cities.

SECTION 7. Meetings of the said board of public affairs shall be held on every day of each week, except the Sabbath day, at such hour between 9 A. M. and 12 M., as shall be agreed upon by said board; and public notice shall be given by the said board of the hour so agreed upon, and all meetings of the said board shall be open to the public. A majority of the board shall be a quorum for the transaction of business, and it shall require the affirmative vote of a majority of the board to pass any measure or authorize any act of the board. And the said board shall cause to be published in two newspapers of general circulation in said cities on the first Monday of each month of each year, an accurate, itemized and comprehensive statement of the public moneys that have been received and expended during the month preceding each publication in the prosecution and performance of the duties herein devolved upon the said board.

Meetings.

Proceedings to be published.

SECTION 8. The salaries of the said board and the salary of the secretary thereof shall be paid monthly.

Salaries to be paid monthly.

SECTION 9. No person holding office under this act shall be liable to military or jury duty, or to arrest on civil process, or to service of subpoenas from civil courts, while actually on duty.

Members of board shall be exempt from military, jury duty, etc.

SECTION 10. All moneys collected by the mayor or police court of such cities on account of writs issued by such court or mayor, shall be paid monthly to the board of public affairs, and shall constitute a fund to be called the contingent fund, which shall be paid by said board into the city treasury, and out of which funds shall be paid, so far as practicable, all incidental or extraordinary expenses incurred by the board.

Contingent fund.

SECTION 11. The necessary cost and expense of providing for, carrying on, operating and maintaining the public works herein confided to the said board and of discharging the functions herein conferred upon the said board, as well as the necessary cost and expense of providing for and the maintenance of the said board, shall be a city charge, and all moneys that may, at the time of the legal organization of the said board be in the city treasury to the credit of the street, bridge, sewer, park, gas, and water-works funds, and to the credit of the board of gas trustees, the board of water-works trustees and the board of health, shall be subject to the order of the said board of public affairs; and said board shall, on or before the first day of May, in each year, submit to the city or common council an estimate in detail of the cost and expenses of providing for and maintaining the public works under the control of said board of public affairs, and the city or common council shall provide for the same in the general assessment, and said money, when collected, shall be paid into the city treasury, and shall be drawn therefrom on the warrant of the secretary of the said board of public affairs, countersigned by the president thereof, which warrant shall be drawn upon the city treasurer against the proper fund, shall be made payable

Expenses of board, how paid.

Estimate of cost of maintaining public works to be submitted to council.

- Expenditures.** to the order of the person or persons entitled to receive said moneys, and shall state the fund to which it is chargeable; said board shall audit all claims arising from the prosecution or maintenance of the public works herein contemplated, of every description whatsoever, and the same, when thus audited, shall be paid in the manner provided for the payment of expenses incurred under this act.
- Office of board.** SECTION 12. The said board of public affairs shall be provided with suitable rooms or offices in which to transact its business, either in the public building of said cities or to be leased from private parties, as in the judgment of the board may be deemed best; and all expense on this account shall be borne by said cities.
- Repeals.** SECTION 13. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed, in so far as they may apply to cities herein specified and described, and all ordinances of such cities, heretofore adopted, which may be inconsistent or in conflict with the provisions of this act, are hereby set aside, repealed, and held for naught, in so far as the same are inconsistent or in conflict with the provisions of this act.
- Acceptance of provisions of this act to be submitted to vote.** SECTION 14. It shall be the duty of the mayor in such cities as are herein specified and described, and he is hereby required, to issue a proclamation, within seven days after the passage of this act, incorporating in such proclamation this act in full, and submitting to the electors of such cities, to be decided by their votes at a special election to be held for this purpose alone, on such day, not more than thirty days after the passage of this act, as may be designated by the said mayor in the said proclamation, the question whether they desire to avail themselves of the provisions of this act; and all ballots cast at such special election bearing the words "Board of public affairs—Yes," shall be counted in favor of the adoption of the provisions of this act in the city where such ballots shall be so cast; and all ballots cast at such special election bearing the words "Board of public affairs—No," shall be counted against the adoption of the provisions of this act in the city where such ballots shall be so cast; and if it shall appear as the result of the said special election that a majority of the electors of such city voting at said election have cast ballots bearing the words "Board of public affairs—Yes," then and in that case, the said mayor shall, within three days from and after such special election, certify the fact to the governor, and the governor shall thereupon proceed to make the appointments herein contemplated to be made by him, and the provisions of this act shall forthwith take effect and be in force in such city; but if it shall appear as the result of such special election that a majority of the electors of such city voting at said election have cast ballots bearing the words, "Board of public affairs—No," then, and in that case, the provisions of this act shall be void and of no effect, and the governor shall not make the appointments herein contemplated to be made by him in such city; and the said mayor is
- Ballots.**

hereby charged with the duty of making all arrangements for the said special election, and shall take such steps as he may deem proper to the end that a full, free, and ample opportunity may be afforded the electors of such city to cast their ballots as herein provided, without molestation or restraint; and in payment of the expenses of the said election, the mayor shall draw his warrant upon the city treasurer of such city, who shall pay the same out of the moneys of any fund in his possession to which the same may be properly chargeable.

SECTION 15. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 779.]

AN ACT

To define and punish the offense of sodomy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whoever shall have carnal copulation in any opening of the body, except sexual parts, with another human being, or with a beast, shall be deemed guilty of sodomy, and shall on conviction thereof be imprisoned in the penitentiary not more than twenty years. Sodomy.

SECTION 2. That an act, entitled an act to define and punish sodomy, passed May 4, 1885, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1094.]

AN ACT

To amend section 1703 of the Revised Statutes of Ohio, as amended February 26, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1703 of the Revised Statutes of Ohio, as

amended February 26, 1880, be amended so as to read as follows:

Marshal: fees
and duties.

Sec. 1703. The marshal shall be the chief of police, and have the powers of marshals in villages, and for his services as such shall receive, in addition to any salary fixed by the trustees by ordinance, the same fees, and be paid in the same manner as marshals in other municipal corporations for like services, and for his services when he acts as supervisor, in which office he shall act under the direction of the trustees, he shall be paid out of the proper hamlet treasury, or treasuries, the same compensation allowed to other supervisors, and where the offices of marshal and supervisor are separated, the supervisor shall perform his duties, be paid in the same manner and receive the same compensation as is provided in the first part of this section for the marshal when acting as supervisor.

SECTION 2. Said section 1703, as amended February 26, 1880, is hereby repealed; and this act shall take effect on its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1160.]

AN ACT

Supplementary to an act entitled "an act to provide for the reversion and use of abandoned fair grounds in certain cases," passed May 17, 1886 (83 v., 192), and to repeal an act supplementary thereto, passed March 30, 1888 (85 v., 138).

Authorizing
Franklin park
improvement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when real estate which has heretofore been purchased by any county, and improvements made thereon, for the use of a county agricultural society, and such real estate is situate within the corporate limits of a city, and has been abandoned for such use, and, by authority of the act to which this act is supplementary, the title to such real estate is vested in fee simple in such county, and the premises devoted to the purposes of a public park for the use of the people of the county and of such city, and the supervision and control of the same vested in a park commission, consisting in part of residents of such city, and in part of persons who reside in the county but are not residents of such city, and their successors in office, and the city council of such city deems it advisable to enlarge such park by the purchase of land adjoining it, such council may, by ordinance, duly passed, provide for the investment of not more than nine thousand five hundred dollars for such purpose of enlargement; provided, that when any land is purchased by such city for the purpose aforesaid, the title

thereto shall vest in the city, and it shall be controlled and managed by the park commission aforesaid for public park purposes, in connection with the other premises under its control and supervision for the same purposes; and the care, improvement and embellishment of such park shall be at the expense of such city.

SECTION 2. That for the purpose of providing the money with which to pay for any real estate that may be purchased in pursuance of the preceding section, and the care, improvement and embellishment mentioned therein, the city council of any such city is hereby authorized and empowered to borrow such sum of money, not exceeding twenty-five thousand dollars, as it may deem necessary, at a rate of interest not exceeding six per cent. per annum; and after paying for the land so purchased, the remainder of the money so borrowed shall be placed in the custody of the treasurer of the city, and be disbursed as other money of the city, but for the purposes mentioned in this section only.

Council may
borrow money

SECTION 3. That for any money so borrowed the city council shall issue bonds of the city, which shall be signed by its president and attested by the city clerk, who shall keep a record thereof, and also of the coupons attached thereto. Such bonds shall be in sums of not less than one hundred dollars each, and be payable to bearer, at such place as the council may designate therein; and they shall specify distinctly the purpose for which they are issued. The payment of the principal of such bonds shall not be deferred beyond a period of ten years, and shall be payable at the pleasure of the city council after five years. Such bonds shall not be sold for less than their par value, and the interest thereon shall be payable semi-annually.

Bonds.

SECTION 4. The city council of any city which borrows money and issues bonds for the purposes aforesaid shall levy annually for park purposes, and for the purpose of paying the principal of the outstanding bonds issued under the authority of this act, and the interest thereon as it shall become due, a tax of not more than one-tenth of one mill on the dollar.

Levy

SECTION 5. The members of any such park commission as is referred to in this act, or the act to which this is supplementary, except the member ex-officio, shall each, before entering upon the duties of his office, take and subscribe an oath, before some officer authorized by law to administer oaths, that he will honestly and faithfully discharge the duties of his office, and also give a bond, payable to such city, with at least two good and sufficient sureties, in the sum of ten thousand dollars, to be approved by the mayor of the city, and conditioned for the faithful performance of his duties as a member of such commission; and if any person who has been or may hereafter be appointed a member of any such commission fail or neglect for ten days to qualify as herein provided, his office shall be deemed vacant, and another suitable person shall be appointed in his stead.

Qualification
of park com-
missioners.

SECTION 6. Such park commission shall hold meetings as often as once a month, and adopt all necessary rules for the

Meetings, du-
ties, etc., of
commissioners

regulation of its business. It shall elect a president and a secretary; it shall keep a complete record of all its proceedings, which record, or a copy thereof, duly certified by its secretary, shall be competent evidence of its transactions in all the courts of this state; and the yeas and nays shall be taken upon the passage of every resolution or order, and entered upon the journal. Three members of the board shall constitute a quorum for the transaction of all business; but no resolution or order shall be adopted unless three members vote in its favor.

May appoint
superintendent
and other
employees.

SECTION 7. Such park commission shall adopt rules for the care, protection and government of any park under its charge; and it may appoint or employ such superintendent and employees as it may deem necessary, and fix their salaries or compensation, and may remove any of such persons at any time. It shall annually make a full report to the county commissioners of such county, and to the city council of such city, in respect to such park, with a detailed account of its receipts and expenditures.

SECTION 8. That the act entitled "an act supplementary to an act passed May 17, 1886, entitled 'an act to provide for the reversion and use of abandoned fair grounds in certain cases'" (83 O. L., 192), passed March 30, 1888 (85 v., 138), be and is hereby repealed; and this act shall take effect on its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1239.]

AN ACT

To amend section 3580 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3580 of the Revised Statutes of the state of Ohio be so amended as to read as follows:

Officers of
cemetery asso-
ciation may
appoint police-
men.

Sec. 3580. The trustees, directors, or other officers of any cemetery company or association, whether incorporated or unincorporated, and township trustees having charge of township cemeteries, may appoint as many day and night watchmen of their grounds as they deem expedient. Such watchmen, and all superintendents, gardeners and agents of such company or association or of said township trustees, stationed on the grounds, may take and subscribe, before any mayor or justice of the peace in the township where such grounds are situate, an oath of office similar to the oath required by law of constables, and upon taking such oath, such watchmen, superintendents, gardeners, or agents shall have, exercise and possess all the powers of police officers within and adjacent to

the cemetery grounds, and any person violating the by-laws, rules and regulations adopted by such trustees, directors or other officers, or the laws of this state in reference to the protection, good order, care and preservation of cemeteries, and the trees, shrubbery, structures, and adornments therein, shall be guilty of a misdemeanor, and fined in any sum not more than fifty dollars nor less than five dollars; and such watchmen, superintendents, gardeners and agents may arrest, on view, all persons found violating the provisions of this section, and bring such persons so offending before the mayor or justice of the peace within such township, to be dealt with according to law.

SECTION 2. That said original section 3580 of the Revised Statutes of Ohio is hereby repealed; and this act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 268.]

AN ACT

Supplementary to an act entitled "an act supplementary to section 3378 of the Revised Statutes of Ohio," passed March 16, 1882.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to sections 3378a, 3378b and 3378c of the Revised Statutes of Ohio, passed March 16, 1882, with sectional numbering as follows, to wit:

Sec. 3378d. The provisions of the foregoing sections 3378a, 3378b and 3378c, shall extend and apply, not only to contracts made with a railroad company, as vendee or lessee, but also to all contracts which may be made with any corporation, company, or person, as vendee or lessee, by which any such corporation, company, or person shall undertake to purchase, rent, lease, or hire any railroad equipment, cars, rolling stock, or other personal property, designed for use on, or in connection with, a railroad or railroads, in this or other states.

Construing application of foregoing sections.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 281.]

AN ACT

To amend sections 4553 and 4554 of the Revised Statutes of Ohio, as amended April 12, 1884 (O. L., vol. 81, 166), and section 4556 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4553 and 4554 of the Revised Statutes of Ohio, as amended April 12, 1884 (O. L., v. 81, 166), and section 4556 of the Revised Statutes of Ohio be so amended as to read as follows:

Proceedings to
clean out ditch.

Sec. 4553. Whenever it becomes necessary to clean out any ditch, any owner of any lot or tract of land which was assessed for its construction, may make a statement in writing of such necessity to the trustees, who shall thereupon meet and appoint one of their number to examine said ditch, as to the necessity of cleaning the same out, who shall go upon the line thereof and make such examination and an estimate of the amount of labor, and the cost of cleaning out said ditch and fix the portion thereof that the owner or owners of each lot or tract of land, and each corporation assessed for the construction of said ditch shall be assessed for such cleaning out, and such assessment shall be made according to benefits to accrue to each landowner interested as near as practicable unless the necessity for such cleaning out arose from the act or neglect of any landowner or corporation, in which case such act or neglect shall be considered, and the assessment of said landowner or corporation proportionably increased.

Proceedings on
return of esti-
mate.

Sec. 4554. Such trustee shall return his estimate and assessment, with such facts as he may deem necessary to a full understanding of the case, to the township clerk in writing, within ten days, and shall at the time of making such report, fix a time for hearing the claim or claims of those interested. The clerk, upon receipt of such report, shall cause the same to be entered in full upon the township record, and shall also make an entry of the time fixed for the hearing, and shall forthwith notify the owner or owners of each tract of land or his agent, so far as their residence may be known to said clerk, of the time and place fixed for said hearing, which notice shall also contain a written or printed copy of the estimate of said trustee. At the time fixed for hearing the parties interested in such proposed cleaning out, the trustees may make such changes therein as they deem just and equitable. After such hearing, if they are of the opinion that there is no necessity for cleaning out said ditch, they shall dismiss the application and assess the cost thereof to the applicant, but if they are of the opinion that it is necessary to clean out said ditch, then they shall make a final order, which shall be entered upon their record, that said ditch be cleaned out, and that all the dirt, mud, and other substances that have accumulated therein, since its original construction, be removed and cleaned out down to the solid earth, and so that

the water will have a free and uninterrupted flow, specifying by whom the same shall be cleaned out, and the portion thereof each shall clean out, and the amount of the assessment upon each tract or parcel of land interested in such improvement, and they shall cause the township clerk to forthwith notify the owner or owners of each tract of land, or his or their agent or agents, so far as their residence is known to the clerk, to clean said ditch as ordered and directed by the trustees, within thirty days, unless for good cause shown, the trustees extend the time; but in case the residence of the owner or owners of any such tract of land, or his agent, is unknown to the clerk, he shall cause to be posted up in at least three of the most public places in the township or townships in which said ditch is located, written or printed notices of the order of the trustees and of the time fixed for cleaning out such ditch. The trustees and clerk shall be entitled to receive the same fees in proceedings for cleaning out ditches as now allowed for similar services in the original construction thereof, to be paid by the party or parties whose act or neglect caused the necessity for such cleaning out, in such proportion as the trustees deem just and equitable, and the collection thereof shall be enforced in the same manner as provided for the collection of costs and assessments in proceedings for the construction of ditches by township trustees.

Sec. 4556. Immediately after the expiration of thirty days, or such other time as has been granted or extended to any person for the completion of the work aforesaid, the trustees shall appoint one of their number to examine the ditch and determine whether it has been cleaned out and repaired as directed and ordered by the trustees, and if the ditch has been so cleaned out and repaired the parties interested shall be discharged from further obligation, other than the payment of their portion of the costs and expenses under said application; but if on examination any of the parties who have been notified have not cleaned out and repaired such ditch, or their portion thereof ordered by the trustees and directed in the notice, the trustees shall immediately proceed to sell said cleaning out or repairing of such ditch or portion thereof to the lowest bidder, in the manner provided for selling unfinished sections of ditches; and thereafter the same proceedings shall be had in relation thereto, so far as applicable, provided in section forty-five hundred and forty-seven.

Proceedings
after the time
fixed for
repairs.

SECTION 2. That sections 4553, 4554 and 4556 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 362.]

AN ACT

To amend [section] 4367 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4367 of the Revised Statutes of Ohio be amended as follows:

What notices
to be pub-
lished in two
newspapers.

Sec. 4367. Every proclamation for an election, order fixing the times of holding court, notice of the rates of taxation, bridge, pike, and notice to contractors, and such other advertisements of general interest to the tax-payers as the auditor, treasurer, probate judge, or commissioners may deem proper, shall be published in two newspapers of opposite politics, at the county seat, if there be such published in the county seat, and in all counties having cities of eight thousand inhabitants or more, not the county seat of such counties, additional publication of such notices shall be made in two newspapers of opposite politics in such city; but this chapter shall not apply to the publication of notices of delinquent tax and forfeited land sales.

SECTION 2. That said section 4367 is hereby repealed; and this act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed [April] 12, 1889.

[Senate Bill No. 392.]

AN ACT

To provide a board of elections for certain specified counties.

When city
board of elec-
tion shall act
as county
board.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county having within its territory a city of the first grade, in the first class, the board of elections heretofore established in such city shall be the county board of elections; and all the provisions, duties, penalties and requirements contained in section 2926 of the Revised Statutes, and supplemental sections, as heretofore amended, shall apply, and be in full force, as to all elections held in such county, as well as such city, except as herein specified; and the members, secretary, deputy secretary, clerks and assistants of such board shall be electors of the county, and not of the city merely.

Provisions ap-
plicable to
election pre-
cincts outside
of city.

SECTION 2. The following provisions, included in this section, shall apply only to elections in precincts not included in such city:

Registration of electors, as provided in the above mentioned sections, shall not be required.

The county board of elections may, in its discretion, authorize the judges of elections to omit the meeting for organization, provided in section 2926n, but in all such cases the judges shall organize, as therein required, on the morning of the election, before opening the polls.

The county board of elections may, when deemed expedient, permit the oath, required by section 2926e, to be administered by any officer authorized to administer oaths, without the appointee appearing at the office of the board, and any such officer is required to administer such oath without compensation; but in all such cases the oath, duly certified, must be filed in the office of the county board before the certificate of appointment is issued.

The county board may dispense with the notice of appointment, required in section 2926e; when vacancies occurring on the day of an election have been filled, as is required in said section, and when said notice has been so dispensed with, the appointee shall serve upon such appointment as if he had been appointed by the board.

The county board may authorize judges of election to forward, by mail, the certified summary statement of votes required in section 2926p; provided, the said judges shall have announced the vote to the board, by telegraph or telephone, as required in said section, and in section 2926q.

The county board of elections shall provide for the safe keeping and delivery of the ballot boxes as may seem expedient.

SECTION 3. At every election, in any county as aforesaid, for state or county officers, or for representatives in congress, or for presidential electors, the poll-book of each precinct, addressed to "the county board of canvassers," as required by section 2926r, shall be delivered at the office of the board of elections. The other poll-book shall be addressed to the "clerk of the court of common pleas," and delivered to him, and he shall preserve it for one year, for inspection as a public record, and shall, upon demand of the board of canvassers, produce any such poll-book for their inspection and use. The poll book.

The time and manner of delivery of poll-book shall be as provided in section 2926r, except that the poll-books from election precincts not included within the city shall be delivered within twenty-four hours after closing the polls.

The president or secretary of the county board of elections may order the summary arrest of any judge of elections, in such county, who fails to make return of any election; and it shall be the duty of the sheriff of the county, or of any policeman or constable, to whom such order may be directed, to bring such delinquent judge, together with the poll-book, and other books pertaining to the election or registration, before said board.

SECTION 4. The members of the county board of elections shall constitute the county canvassing board; and all The county canvassing board.

duties, as to canvassing the votes and making returns of the same, now by law assigned to the clerk of the court of common pleas, shall be performed by such board. Within four days after the election in November, and after any special election for county or state officers, or for representative in congress, the members shall meet at the office of the board of elections and organize by choosing one of their number to be president, and appointing a secretary and necessary assistants. They shall proceed to canvass the vote of the county, and make return of the same, as required by section 2926a, and by law.

In case of doubt, or disagreement, so that the board cannot proceed with the canvass, a statement, in writing, of the matter in doubt or controversy, shall be made and forthwith submitted to one of the judges of the circuit, for the circuit in which the county is situated; and if the board cannot otherwise agree the judge shall be selected by lot. Such judge shall summarily decide upon the matters submitted to him, and his decision shall be final.

Compensation
of officers of
the board.

SECTION 5. Judges and clerks of election, appointed as herein provided, shall be allowed compensation as fixed in section 2926c. Salaries of the members and secretary, as fixed in said section, shall be paid out of the city treasury; and, in addition, there shall be allowed to each member of the board the sum of five hundred dollars per annum, and the secretary the sum of six hundred dollars per annum, payable quarterly out of the treasury of the county. The expense of the purchase and repair of ballot boxes shall be paid out of the county treasury.

All other expenses of every description, incurred between the first day of July and the thirty-first day of December, in each year, shall be paid out of the county treasury; and all expenses incurred between the first day of January and the thirtieth day of June, in each year, shall be paid as heretofore provided by law. All payments shall be made upon vouchers of the board, made and certified as required by section 2926c.

SECTION 6. That section 2928 of the Revised Statutes be and is hereby amended so as to read as follows:

Sheriff to provide ballot
boxes.

Sec. 2928. The sheriff shall cause to be provided at the expense of the county, a ballot box for each precinct therein which may be without the same, and cause it to be deposited with the proper township or corporation clerk; and every such clerk shall cause a ballot box with a copy of this title to be delivered at each place of holding elections in his township or corporation as often as elections are held therein; and after each election the same shall be forthwith returned to him by the judges of election for safe keeping; provided, that whenever a board of elections has been or may be established, the purchase and care of ballot boxes to be used at any election held under its direction shall devolve upon such board.

SECTION 7. All acts inconsistent with this are hereby repealed.

SECTION 8. This act shall take effect from and after May 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 408.]

AN ACT

to regulate punishment of persons found guilty of repeated misdemeanors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the punishment of persons convicted of petit larceny shall be cumulative after [such persons shall have been] three times convicted and sentenced, on conviction, for petit larceny, and such persons, on conviction of a third or later petit larceny, may be imprisoned for not less than one year, and not more than three years, at the discretion of the court.

When punishment to be cumulative in cases of petit larceny.

SECTION 2. Persons so convicted and sentenced for a fourth or later offense may, at the discretion of the directors or managers of the work-house in which they shall be imprisoned, be suffered to go and remain outside of the walls of such place of imprisonment, on parole, under such rules and regulations, and on such conditions, as such directors or managers shall prescribe; but such prisoners shall, while so paroled, be legally in the custody and under the control of such directors or managers, who may, at their sole discretion, and for any reason satisfactory to them, and on their order, duly certified by their secretary or chief clerk, arrest paroled prisoners wherever found, and bring him or her back to said place of imprisonment to serve out the full term for which such prisoner shall have been sentenced.

Persons so imprisoned may be paroled, when.

SECTION 3. Persons convicted or sentenced under this act shall be imprisoned in a work-house, where, as far as may be, they shall be employed in useful labor, and earn their living, and it shall be the duty of the city or county authorities, in counties not having work-houses, to contract with the authorities of any city or county work-house in the state for the care of such prisoners, on such reasonable terms as may be agreed upon, and prisoners so convicted and sentenced shall be sent to and imprisoned in the work-house or work-houses so provided.

How cities or counties having no work-house shall provide.

SECTION 4. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 409.]

AN ACT

To provide for the extension of the geological survey of the state.

The governor
authorized to
appoint a state
geologist.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor is hereby authorized to appoint a state geologist, whose duty it shall be to continue and extend the investigations already made into the geological structure and resources of the state. Said state geologist shall be appointed for a term of three years, but he may be removed for cause at any time, and a successor appointed in his stead; and the governor is authorized to fill any vacancy which may occur from any cause, at any time. The compensation of said state geologist shall be at the rate of two hundred dollars per month, for the time actually employed; and said geologist shall have power to employ such assistants as he may need; but in no event shall the salary of the geologist, pay of assistants, and expenses of the department, exceed the amount of expenditure authorized by the general assembly.

Duty of state
geologist.

SECTION 2. It shall be the duty of said geologist to study, and determine as nearly as possible, the number and extent of the various formations of the state; to represent the same, from time to time, upon properly constructed maps and diagrams; to study the modes of occurrence and the distribution of the useful minerals and products of these formations; to determine the chemical composition and structure of the same; to investigate the soils and the water supply of the state; and to give attention to the discoveries of coal, building stone, natural cement, petroleum, gas, and other natural substances of use and value to the citizens of the state. He may also collect and describe the fossils of the various geological formations of the state; but no expenditure shall be incurred under this head that is not expressly ordered and provided for by the general assembly.

Shall report
annually to
governor.

SECTION 3. The said geologist shall make, on or before the first day of February of each year, a report to the governor, covering the work of the preceding year, and the report shall be transmitted to the general assembly, to be printed in the same manner as other public documents, or as shall be otherwise ordered.

Salaries and
expenses.

SECTION 4. The salaries of the state geologist, and the assistants employed by him, together with the traveling and incidental expenses, shall be paid monthly, on presentation of properly itemized vouchers, signed by the governor, out of the state treasury, from the appropriation made for such purpose.

Appropriation

SECTION 5. There is hereby appropriated from the general revenue fund the sum of one thousand dollars, annually, for the purpose above named.

SECTION 6. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 412.]

AN ACT

To provide for the payment to Mrs. J. M. Wheaton, widow of the late J. M. Wheaton, for labor performed in preparing and writing the report on the birds of Ohio, contained in volume 4 of the Ohio geological survey report, and for other services connected therewith; and to reimburse him for expenses incurred in the preparation of such report.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys in the treasury to the credit of the general revenue fund, not otherwise appropriated, the following sums of money, and the same shall be paid to Lida D. Wheaton, widow of the late Dr. J. M. Wheaton, for the purposes herein named:

Appropriation
for Mrs. J. M.
Wheaton.

For preparing and writing the "Report on the birds of Ohio," contained in vol. IV, Ohio Geological Survey Report, Zoology and Botany, pp. 188-628-(440)	\$ 400
For (508) five hundred and eight days' field work, extending over a period of eight years, 1873-1880.....	800
For traveling expenses incurred in visiting ornithologists of this state, to obtain some knowledge as to their acquaintance with the subject, and reliability as authority, and to inspect their collections; also, to visit eastern ornithologists, and become acquainted with their methods; to visit eastern museums, and make such comparison with Ohio birds as may be desirable—the traveling at the request of Prof. Newberry—55 days, @ \$6.00 per day.....	330
February 12, 1874, by cash refunded by state....	\$100
April 28, 1877, by cash refunded by state.....	100
	—200
	—130
For correcting and arranging reports on mammals, reptiles, and fishes, including copying about 200 pages mss., rejected by printer.....	50
For reading proof, 65 signatures—1020 pages—the printers refusing to read first proof, assigning incompetence of such of the strictly scientific matters. Each proof was read by me, at a disadvantage, an average of 4½ times	975
For making index, 17 double column pages, 1705 paginations	50

Total..... \$2,735

SECTION 2. This act shall take effect from its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 473.]

AN ACT

Supplementary to section 6695 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 6695 of the Revised Statutes of Ohio, with sectional numbering as follows:

When levies
may be made
subject to
prior levies.

Sec. 6695a. Any constable or other officer may, and is required upon demand of the execution creditor, to levy any execution in his hands upon personal property already levied upon, and in the custody of the sheriff or other officer, subject to prior levies, and such sheriff or other officer or person having charge of said property shall afford such officer making any subsequent levy an opportunity to make such levy, and take a schedule of the property, and such subsequent levy shall create a lien upon such property or its proceeds, subject to prior levies; provided, that such officer so first levying shall retain possession of said personal property, and cause the same to be sold as in other cases, and the court issuing the writ first levied shall determine all questions growing out of such levy or levies.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 494.]

AN ACT

Relating to the duties and compensation of certain county officers and their assistants, in counties containing a city of the second grade of the first class.

Salaries of
county officers
in certain
counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county containing a city of the second grade of the first class, the compensation of the officers thereof specified in this section shall be by annual salary, except as otherwise provided in sections 9 and 10 of this act, to be paid in monthly installments, as follows: The recorder, \$2,000; the treasurer, the clerk of the court of common pleas, sheriff, auditor and probate judge, \$2,500 each; and neither of them shall receive or agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor

any portion of the compensation of any of his employes, or any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or the commissioners, or from any other person, except as provided herein. And no such employe shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer for the performance or omission of any official duty. The compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily, as provided in the next section, shall be by annual salary exclusively, to be paid in monthly installments; and all such salaries shall be paid by the county in the manner hereinafter provided; but if any such officer be removed from office, or any such deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

SECTION 2. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve, respectively; but the number of such employes and the compensation of each shall be determined by the county commissioners and the officer selecting the same, and in case said county commissioners and said officer cannot agree upon the compensation of any employe, the same shall be referred to the judge of the court of common pleas of said county presiding in court room one, whose determination of the amount of said compensation shall be final. And in determining the salaries of said employes, they may allow to one deputy in the office of the clerk of the court of common pleas, sheriff, treasurer, auditor and probate judge, respectively, a salary of not more than two thousand dollars; but no other deputy, clerk or employe in either of said offices shall be allowed more than fifteen hundred dollars per year; and in the office of the recorder, they may allow the deputy not more than fifteen hundred dollars, but no other clerk or employe in his office shall be allowed more than twelve hundred dollars; provided, that the employment of clerks or other assistants, temporarily, in addition to the regular employes, at a stipulated sum per day, may be authorized by the county commissioners of such county, when they are satisfied that the business of any such office so require.

SECTION 3. Each officer mentioned in section 1 hereof, shall, within ten days after entering upon the discharge of his official duties, and as often thereafter as any change shall occur therein, file with the county commissioners of said county, a certificate under oath of the number of deputies and other clerks and employes allowed to him by the county commissioners, and the name and compensation allowed to each, and the commissioners shall keep a record of the number of deputies and other clerks and employes allowed each of said officers, and the compensation of each, and on the first business day of each month, each of said officers shall submit to the commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office, for the month covered

Officers may select their employes.

Officers to file pay-roll with county commissioners monthly.

by the pay-roll, and the capacity in which he was employed, and also the salaries of the officer and employes, respectively, the allowance per day for temporary clerks or assistants, if any of such have been employed, and the amount due each. There shall be attached to such pay-roll a statement under oath by the officer that the pay-roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due any employe whose name is entered thereon. If the commissioners find upon examination that such pay-roll is correct, they shall endorse thereon their approval of the same, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon for the amount shown thereby to be due them respectively, and take their receipts therefor, on the pay-roll, on the right hand margin, opposite their respective names, in a space headed "received from the county auditor a warrant for the amount shown hereon to be due me."

Disposition of
fees, etc., col-
lected by
officers.

SECTION 4. One-half of all fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section one, or by the sheriff as special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county; the remaining fifty per cent. of said fees, costs, percentages, penalties, allowances and other perquisites, shall be disposed of as hereinafter provided in section 10 hereof; the total receipts thereof each day by each of said officers shall, except as otherwise provided in section 7, be by him paid to the county treasurer before noon of the next business day succeeding their collection, and be duly accounted for by the treasurer, and said officer shall keep full and accurate accounts of all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, the amounts paid by him each day, and the sources from which the same are derived, and the amount paid to the county treasurer each day.

Itemized and
sworn
statements to
be filed
monthly with
county com-
missioners.

SECTION 5. Each officer mentioned in section one, shall, on the second Monday of each month, file with the county commissioners a statement verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month. And on the day his term of office expires, he shall file with the commissioners like statements, showing such receipts daily since his last statement.

Statements so
made to be
preserved.

SECTION 6. All statements required by the preceding section to be filed with the county commissioners, shall be carefully preserved by them, and shall be subject to public inspection during all official business hours, and the accounts provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one, shall be turned over to the successor in office.

Fees, costs, etc

SECTION 7. Each officer mentioned in section one shall, where authorized by law, collect all fees, costs, percentages, penalties, allowances and other perquisites accruing to him

office before, or at the time they are earned; and all fees, costs, percentages, penalties, allowances and other perquisites, accruing to his office and unpaid at the expiration of his term, shall be collected by his successor in office, and be by him paid into the county treasury; and in the reports to the county commissioners provided in section six hereof, each officer shall separately state what amount of his monthly collection accrued to his office, during the term of his predecessor; and the county auditor shall draw his warrant upon the county treasurer in favor of such predecessor for any portion of said amount found due him.

SECTION 8. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with, and they may employ a suitable person or persons whenever and for such time as they may deem necessary, and at such compensation as they deem judicious, to ascertain by examination whether the accounts of the officers mentioned in section one are correctly and legally kept, and whether the statements they are required by this act to make to the commissioners are correct; and such persons shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such account or any such statement is false or fraudulent in any respect, they shall make a thorough examination of the matter, and may, if they deem it necessary or expedient, subpoena witnesses, and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county on the warrant of the county auditor, when duly certified to him by the county commissioners herein.

Duty of county commissioners

SECTION 9. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract, the commissioners shall specify the manner in which said prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with.

Sheriff may retain certain money.

SECTION 10. Each of the officers herein mentioned shall be allowed and paid monthly, in addition to the salary provided for herein in section one hereof, any balance remaining of one-half of the fees, costs, percentages, penalties, allowances and perquisites accruing to his office, and by him paid into the county treasury, after deducting therefrom an amount equal to one-half the salaries paid to the assistants in his office; and the county auditor, after making the proper deduction, shall, on the second Monday of each month, draw his warrant on the county treasurer in favor of such officer for the balance remaining of the said fifty per cent. so due him; and the amount so deducted from said fifty per centum shall be for the use and benefit of said county.

Further compensation for county officers.

SECTION 11. All money paid to the county treasurer in pursuance of this act, shall be by him credited to the general

Treasurer to credit the

general fund
with money
received.

fund of the county; and all warrants issued by the county auditor in pursuance hereof shall be drawn upon said fund.

Penalty for
violating this
act.

SECTION 12. If any officer mentioned in section one willfully fail or refuse to perform faithfully and promptly any duty required by him of this act, or knowingly violate any provision thereof, or willfully make any false or fraudulent showing in any statement thereby required of him, or in any account provided herein, he shall be subject to the penalties provided in section 1348 of the Revised Statutes; and if any deputy, clerk, or employe willfully violate any provision of this act, he shall be fined not less than one hundred nor more than two hundred dollars, and be imprisoned in the county jail not less than three months nor more than one year.

Official bonds.

SECTION 13. The official bond required by law hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required hereby.

Present officers
not affected.

SECTION 14. This act shall not affect the duties, fees or compensation of any officer mentioned in section one hereof, elected and qualified prior to the passage of this act.

Provisions.

SECTION 15. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, shall, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act, as to counties described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 16. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 495.]

AN ACT

To repeal an act entitled "an act relating to the duties and compensation of certain county officers and their assistants, in counties containing a city of the second grade of the first class."

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "an act relating to the duties and compensation of certain county officers and their assistants, in counties containing a city of the second grade of the first class," passed March 6, 1888, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 552.]

AN ACT

To amend section 1239 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1239 of the Revised Statutes be amended so as to read as follows:

Sec. 1239. Coroners shall be allowed the following fees: For view of a dead body, three dollars; for drawing all necessary writings, and return thereof, for every one hundred words, ten cents; for traveling, each mile, to the place of view, ten cents; when performing the duties of sheriff, the same fees as are allowed to sheriffs for similar services. Except that in all counties containing a city of the second grade of the first class, the coroner shall be paid in lieu of fees, a salary of two thousand dollars per annum, payable in monthly installments out of the county treasury, on the warrant of the county auditor.

Coroner's fees.

Exception.

SECTION 2. That said original section 1239 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage; but the provisions of this act shall not apply to any such coroner in office when this act takes effect.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 586.]

AN ACT

To amend section 3797 of the Revised Statutes of Ohio, and to reduce the amount of capital stock of savings and loan associations in villages of a certain class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3797 of the Revised Statutes of Ohio be amended so as to read as follows:

Savings and
loan associa-
tions.

Sec. 3797. The secretary of state shall submit the articles of incorporation of any savings and loan association received by him to the attorney-general, who shall, if the same are in conformity to law, and sufficient, certify thereto on the same; and the secretary of state shall then record the same; and no such association shall commence business with a subscribed capital of less than fifty thousand dollars, except in villages having a population at the federal census of 1880, or at any federal census to be taken hereafter, of less than twenty-five hundred, and in such villages no such associations shall commence business with a subscribed capital of less than twenty-five thousand dollars, which shall be divided into shares of one hundred dollars [each], nor until at least one-half of each subscription has been fully paid up.

SECTION 2. That section 3797 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives

THEO. F. DAVIS,

President pro tem. of the Senate

Passed April 12, 1889.

[Senate Bill No. 588.]

AN ACT

To amend the act passed March 28, 1888, entitled "an act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state, by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," and to repeal sections two (2), three (3), four (4), and five (5) of the act so amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two, three, four, and five of an act passed March 28, 1888, entitled an act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., of the state, by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the boundary and titles of the state in and to all lands belonging to and connected with said canals, be and the same are amended so as to read as follows:

Employment
of surveyors;
duty chief
engineer board
public works.

Sec. 2. Said commissioners shall employ surveyors to make said surveys, maps, and plats, with necessary assistants, and fix their compensation; and said maps and plats shall be made in conformity to instructions and plans prepared by the chief engineer of the public works, and when completed they shall be approved by him and said commission, by endorsement signed by them respectively.

Sec. 3. Each of said commissioners is hereby authorized to issue subpoenas for, and compel the attendance of such witnesses as they, or either of them, may think necessary in fixing said boundaries, or ascertaining any fact which said commission should ascertain in the discharge of its duties; and the testimony so taken, together with said maps, plats, and field notes of such surveys, and the report of said commission as to the boundaries of the lands belonging to the state of Ohio, with its findings in that behalf, shall be filed for preservation in the office of the board of public works; and upon any trial in any of the courts of this state, any of said findings, maps, plats, or surveys, which may in any manner relate to or have any bearing upon the subject-matter at issue, shall be taken and held to be competent [prima facie] evidence of the truth of such findings, and the boundaries of said lands, and that the state of Ohio has the ownership of said land, or such an interest in it as may be therein stated; and a duly certified or sworn copy of such findings, plat, or map shall, when produced on said trial, have the same force and effect as the original from which it was taken would have under this section if produced on said trial.

Sec. 4. That in all cases where any land claimed by the state is in the possession and occupancy of any person, persons, or corporation claiming the ownership thereof, and such person, persons, or corporation shall appear before said commission and submit such claim or claims to the award and decision of said commission for the purpose of determining the boundary line of said land or the ownership thereof, said commission may make an award and decision thereon, which shall be final and conclusive as to all the parties thereto having notice and not under legal disability.

Sec. 5. That each and every tract of land which said commission shall find to be the property of the state of Ohio, and which, in the opinion of said commission, the board of public works and its chief engineer, shall not be deemed necessary for the actual use, efficiency, and operation of the canals of said state, or either of them, shall be valued by said commission at its true value in money, and if such land shall not be then under an existing lease, or if to let, then at the expiration of such lease, said land may be leased or let on the terms and conditions hereinafter provided for.

Sec. 6. That if such land is not in possession of any person, or persons, or corporation having a building, buildings, or other valuable structures thereon, it may be immediately let or leased for fifteen years, at an annual rent of six per cent. per annum on said valuation, to be paid semi-annually, in advance, and at such place as said commission, board of public works and its chief engineer may fix by the terms of said lease. Any tract of land so to be valued or appraised, if in the actual possession of any person, persons, or corporation who may own a building or buildings, or other valuable structure thereon, such valuation shall not embrace the value of such building, or buildings, or other valuable structure, and the person, or persons, or corporation owning the same shall be entitled to such a lease of said land or lands upon the

Witnesses.

Where testimony, maps, etc., shall be deposited.

Transcript.

Arbitration and award as to rights of occupants.

Lands not necessary for actual use may be leased.

Lease of unoccupied lands.

How lands to be appraised.

same terms and conditions as any other person or corporation would or might be entitled to under this act if there were no building or buildings, or other valuable structure upon said land; provided always, however, that each and every building or other valuable structure erected thereon by any person, or persons, or corporation may be taxed as other property of individuals or corporations in the same locality.

When rights of occupants or persons claiming ownership forfeited.

Sec. 7. That if the person, or persons, or corporation owning or claiming to own a building or other valuable structure on any land as aforesaid, found to be the property of the state of Ohio, shall not, within ten days after such finding and notice thereof, apply for a lease thereof and enter into a lease therefor, as herein provided, then the right of such person, or persons, or corporation to such a lease shall cease and from thenceforth be void; and said commission shall give a public notice by advertisement published for at least two consecutive weeks in some newspaper printed and generally circulated in the county where such land is situated that it will lease such property upon the terms herein provided for, and it may, subject to the conditions of this act, lease said land on the day so named in such notice, or any day thereafter; but if said commission shall find that said building, or buildings, or other valuable structure are not the property of the state of Ohio, the owner or owners may, with the assent of said commission, and on or before a day fixed by them, remove said building, or buildings, or other valuable structure from the land of the state, if such removal can be accomplished without injury to said land.

Owners may remove building.

Leases to be prepared by attorney-general; what to contain.

Sec. 8. That all leases to be made under the provision of this act shall be prepared by the attorney-general of the state, and each lease shall contain a condition that if any installments of rent therein agreed to be paid, shall not be paid at the time specified, or within ten days thereafter, whether a demand therefor shall or shall not be made, said lease shall, at the option of the board of public works, become and be null and void as against the state of Ohio, and that the lessee so in default, his heirs, or assigns, or any party in possession of such demised premises, shall yield up the possession thereof to said board of public works or its authorized agent, and the same shall thereupon be leased to any person or persons, or corporation upon the same conditions as herein provided for in other cases.

When and for what purpose action may be brought.

Sec. 9. That if said commission shall find that any person, or persons, or corporation is unlawfully in possession, use or occupation of any land belonging to the state of Ohio, or has taken, carried away, or in any manner injured the whole or any part of any canal lock, or weigh lock, culvert, aqueduct, or canal bridge, or any of the abutments thereof belonging to said state, or any of the materials used in the construction of any such lock, culvert, aqueduct, or canal bridge, or any of the abutments thereof belonging to said state, it shall direct the attorney-general, and it is hereby made his duty, to bring a civil action or civil actions to recover the possession of such lands, or damages for the property so taken, carried

way, or injured, and any person or persons who may have devised or unlawfully aided any other person or persons to injure said property or take it or carry it away, may in every such action be made a co-defendant with the person or corporation who so took, injured, or carried away said property, and such a joint or several judgment may be had therein against him in such action as may be right and proper therein. and any suit or suits authorized to be brought by this act may be commenced in the county where such property is situated, or in Franklin county.

Sec. 10. The commission appointed by this act, and the board of public works and its chief engineer, may, under such rules, regulations, and conditions as to semi-annual payment of rent, and otherwise, lease or let to any person or persons, or to any corporation organized under the laws of this state, the right to lay a line of pipe along the berme bank of any canal, basin, or reservoir of the state for the purpose of transporting oil or gas from the natural oil or gas fields for manufacturing purposes, and any tract or parcel of land, not exceeding forty acres, owned by this state, along any canal or in any of the reservoirs or canal basins of the state, for the purpose of digging or boring therein for gas and to be conveyed or transported therefrom, the gas found thereunder, such lease to be granted for a period not exceeding ten years, and the lease therefor shall be prepared as in other cases herein provided for, with like stipulations, provisions, and conditions, except as to the amount of the rent to be paid. but no lessee or lessees, or his or their assignee or assignees shall have any power to fill up any part of the land so leased, or in any manner to obstruct navigation therein, and no such lease shall be granted or given unless in the opinion of the said commission, board of public works, and chief engineer, the use of the land so leased would not materially injure or interfere with the navigation of any of the canals of this state.

For what purpose lands may be leased.

Sec. 11. Any land or lands belonging to the state of Ohio, near or remote from the line of any canal in this state, that cannot be leased so as to yield six per cent. on the valuation thereof, as determined by said commission, may be sold by said commission at not less than three-fourths of such valuation, upon such terms of payment as may be fixed by the commissioners of the sinking fund, and such land shall be offered for sale at public vendue, at the court house in the county where the same is situated, after at least thirty days' notice given by publication in two papers of opposite politics, of general circulation in such county; provided, however, that such land or lands shall not be sold or offered for sale unless the said commission, board of public works, and the chief engineer of the board of public works shall have, by majority vote in joint session, determined that such land or lands are not necessary or required for the use, maintenance, and operation of any of the canals of this state.

When land may be sold; terms, etc.

Sec. 12. That sections two (2), three (3), four (4), and five (5), of the aforesaid act, by this act amended, be and the

same are hereby repealed; and this act shall take effect and be in full force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 607.]

AN ACT

To require the registration of bonds with sinking fund trustees, in cities of the first grade of the first class.

Bonds to be
registered in
certain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class, all bonds issued by the city shall, before the said bonds become valid in the hands of any purchaser, be registered in the office of the sinking fund trustees, and shall bear the stamp of said board of sinking fund trustees, containing the words "registered in office of sinking fund trustees," signed by the clerk. The register shall show date of issue, for what purpose issued, rate of interest, amount of issue, when due, interest where payable.

Exceptions

SECTION 2. The provisions of this act shall not apply to bonds issued prior to the passage of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 610.]

AN ACT

To amend section 2745 of the Revised Statutes, as amended April 11, 1888 (O. L., vol. 85, p. 183).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2745, Revised Statutes, be amended so as to read as follows:

Returns by
agents of insur-
ance com-
panies

Sec. 2745. Every agency of an insurance company incorporated by the authority of any other state or government shall return to the auditor of each county in which such company does business, or from which it collects premiums

on or before the first day of May, annually, the amount of the gross premium receipts of such agency for the previous calendar year, in such counties, which shall be entered upon the tax list of the proper county, and be subject to the same rate of taxation, for all purposes, that other personal property is subject to at the place where located; and the whole of such tax shall be due and payable on the twentieth day of November next ensuing; provided, that in making the first return under this act no company shall be required to make a return of receipts previously placed upon the duplicate, under the act to which this is amendatory, requiring the return to be made in the month of May. And it shall be the duty of the superintendent of insurance, in the month of December, annually, to charge and collect from all such companies such sum as, added to the sum paid to the county treasuries, will produce an amount equal to two and one-half per cent. on the gross premium receipts of such companies, as shown by their annual statement, under oath, to the insurance department; provided, however, that if, by the laws of any other state, territory, or nation, a larger tax than two and one-half per cent. is charged companies organized under the laws of Ohio, then the superintendent of insurance shall charge a like tax upon companies from such state, territory, or nation doing business in this state; and provided further, that for the purpose of making the charge for the fractional year 1888, the superintendent of insurance may require, under oath, such information additional to that contained in the annual statement as is, in his judgment, required. If any such company refuse to pay said tax, after demand therefor has been made, or if it shall make any false statements of its gross premium receipts, the superintendent of insurance shall revoke the license of such company to do business in this state. If, at any time, said superintendent has reason to suspect the correctness of the return made of the gross premium receipts of any such company, he may, at the expense of the state, make an examination of the books of such company, or of its agents, for the purpose of verifying the same. All taxes collected under the provisions of this section, by the superintendent of insurance, shall be paid by him, upon the warrant of the auditor, into the general revenue fund of the state.

SECTION 2. That section twenty-seven hundred and forty-five (2745), as amended April 11, 1888, be and the same hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 622.]

AN ACT

To authorize the city council of any city of the second class, and fourth grade, within the state, which at the last federal census had, or at any subsequent federal census may have, a population of not less than 5,245, nor more than 5,255, to issue bonds for the purpose of developing natural gas and oil.

Certain cities
authorized to
issue bonds for
developing
natural gas
and oil.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the fourth grade of the second class within this state, which at the last federal census had, or at any subsequent federal census may have, a population of not less than 5,245, nor more than 5,255, is hereby authorized and empowered to issue bonds, not exceeding in amount the sum of ten thousand dollars, for the purpose of developing natural gas and oil; said bonds to be signed by the mayor, and countersigned by the clerk of said city, and to be for sums not less than one hundred dollars nor more than five hundred dollars each, and bearing interest at a rate not to exceed six per cent. per annum, payable annually, the principal and interest of said bonds to be payable at such bank or place as the council may direct; provided, that said bonds shall not be sold for less than their par value.

Tax to be
levied to pay
said bonds.

SECTION 2. That for the purpose of paying said bonds and interest thereon as the same shall become due, the council of such city is hereby authorized and required to levy a tax on all taxable property within the corporate limits of said city, in such amounts each year as will meet the principal and interest then falling due upon said bonds, which levy shall be placed on the tax duplicate by the county auditor, and collected as other taxes.

The question
to be sub-
mitted to the
people.

SECTION 3. Before said council shall issue said bonds the proposition shall be submitted to a vote of the qualified electors of said city, at a special election to be called for that purpose, which election shall be conducted in all respects as municipal elections. The council, before submitting such proposition, shall provide by ordinance the rate of interest they shall bear, the amount of bonds to be issued, and within what time the same shall be redeemed or paid, and make the necessary provision for the proper expenditure of the proceeds thereof, which ordinance, and a notice of said election, shall be published in all newspapers published within said city for not less than two weeks prior to said election.

Council to
appoint trust-
tees.

SECTION 4. Before submitting said question to a vote of the electors the council of said city shall, on the nomination of the mayor, appoint five trustees, whose duty it shall be, in case said bonds are issued, to sell the same, and take charge of the proceeds thereof, and regulate and expend the same for the purposes provided in this act; and no more than three of said trustees shall be of the same political party.

Vote, how
taken.

SECTION 5. The tickets voted at said election shall have written or printed thereon the words "Authority to issue bonds—Yes," or "Authority to issue bonds—No;" and if the proposition to issue bonds be approved by two-thirds of those

voting upon the proposition, the council of said city shall have authority to issue such bonds for the purposes hereinbefore provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 825.]

AN ACT

To correct abuses of appointing power by the boards of county commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties having a population of over twenty-three thousand (23,000), and less than twenty-three thousand five hundred (23,500), by the census of eighteen hundred and eighty (1880), or any succeeding federal census, the board of county commissioners shall appoint the county surveyor to do all the county work requiring the services of a surveyor or engineer.

Duty of county
commissioners
in certain
counties.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 957.]

AN ACT

To amend section 1656 of the Revised Statutes of Ohio, as amended March 21, 1888 (vol. 85, p. 95), section 2186, as amended May 18, 1886 (vol. 83, p. 198), and section 2455, as amended May 17, 1886 (vol. 83, p. 184).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That amended sections 1656, 2186 and 2455 be so amended as to read as follows:

Sec. 1656. In cities of the first grade of the first class, the board of aldermen shall consist of thirty members, to be elected by districts, to serve for the term of four years; and for the purpose of electing such aldermen such cities shall be

Board of
aldermen in
Cincinnati.

and are hereby divided into five districts, as follows: The territory comprised within the first, second, third, fourth, twenty-sixth and twenty-seventh wards shall constitute the first district. The territory comprised within the fifth, sixth, seventh, eighth, ninth and tenth wards shall constitute the second district. The territory comprised within the eleventh, twelfth, twenty-fourth, twenty-fifth, twenty-eighth and thirtieth wards shall constitute the third district. The territory comprised within the thirteenth, fourteenth, fifteenth, sixteenth, twenty-second and twenty-third wards shall constitute the fourth district; and the territory comprised within the seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-ninth wards shall constitute the fifth district (82 v., 111, and 83 v., 125). And in said cities of the first grade of the first class there shall be no election for members of the board of aldermen until the expiration of the respective terms of the present members of the board of aldermen, and the present members shall serve for the full term for which they were elected. In cities of the first class, second grade, the respective terms of the present members of the board of aldermen shall terminate from and after the passage of this act.

Sec. 2186. When the council of a city establishes a board of improvements, such board shall be composed of the mayor, civil engineer, the street commissioner, the chairman of the committee on streets of the council, and one freehold elector of the corporation, to be appointed by the mayor, with consent of the council, for such time as may, by ordinance, be determined; provided, that in cities of the second grade of the first class, such board shall be composed of the mayor, the civil engineer, the street commissioner, one freehold elector of the corporation, to be elected by the council, and the chairman of the committee on streets of the council; and provided further, that in cities of the first grade of the first class there shall be no such board, but the duties of the board, defined herein, are devolved upon the board of city commissioners, which board shall, in addition to its other powers and duties, have all the powers and perform all the duties required of the board of improvements in this chapter, not inconsistent with the duties of the board of city commissioners.

Board of fire
commissioners
in Cleveland.

Sec. 2455. In cities of the second grade of the first class the management and control of the fire department shall be vested in six commissioners, consisting of the mayor, who, by virtue of his office, shall be the president of the board, the chairman of the committee on fire and water of the council, and one commissioner, elected by the electors of such city, for one year, one for two years, one for three years, and one for four years; and at each annual municipal election hereafter there shall be elected for the term of four years, one commissioner, who shall be a resident freeholder of the corporation, and the board shall consist of the mayor, chairman of such committee for the time being, and the four commissioners so elected, who shall hold their office until their successors are elected and qualified, and the board established by this section shall be in all respects the successors of the board whose place they take. Provided, that the present members of the said

board of fire commissioners, elected by the people, holding office at the time of the passage of this act, shall in nowise be affected in their tenure of office hereby.

SECTION 2. That said amended sections 1656, 2186 and 155, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 605.]

AN ACT

to provide for the improvement of [all] streets and alleys in all cities having a population of 12,258, at the census of 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* [That] (the city council of the city of Canton), shall have authority to improve any of the streets or avenues, or parts thereof, of said city, by paving the same with brick, asphalt or other permanent material, and the alleys thereof, or any part, with cobble stones or boulders, and whenever needed in connection therewith, to curb and gutter said streets, avenues or alleys, and to pave and lawn the sidewalks thereof, and to ordain that said improvements shall be paid for and assessed upon the property abutting on the same, in accordance with the various provisions of this supplement, and in accordance with the various provisions of law now enacted, or hereafter enacted, applicable thereto, and not inconsistent with this act.

Improvement
of streets and
alleys in
Canton.

SECTION 2. In order to provide for the payment of the costs and expenses of said improvements to be assessed on the abutting property, the council may, from time to time (as such improvement progresses), issue the bonds of such cities [city], in such sums as will be required, in all, to amount not exceeding the estimated price of the work, and other expenses attending the same, and interest as hereinafter provided for; said bonds shall be issued as other bonds are issued by said city, but they shall bear the name of the street, or avenue or alley, to whose improvement they are issued, and shall state therein that they are to be paid by an assessment upon the property abutting on the said improvement; said bonds shall extend over a period of at least eight years, to be provided in the ordinance directing the improvement; they shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, on the the first day of July and January.

Provisions for
payment for
improvements.

Negotiation
of bonds.

SECTION 3. The said bonds shall be negotiated at not less than par, as the other bonds of said city are negotiated, and the proceeds shall be applied solely to pay for said improvement, and the proceeds thereof shall only be paid upon the certificate of the city engineer and superintendent herein provided for, that the work has been done according to the contract. When the whole work is done, the amount of the bonds sold to pay for the same, and the interest thereon to the next interest day, when assessments can be collected as hereinafter provided to pay for the same, shall be taken as the cost of said improvement to be paid by the abutting property owners, and the amount shall be assessed equally by the front foot of property fronting or abutting on the said improvement.

Assessments.

SECTION 4. Such assessment shall be placed upon the tax duplicate, and shall be payable in equal installments, to meet said bonds provided for in the ordinance ordering said improvements, at the county treasurer's office, with interest at the rate provided in said bonds, payable semi-annually, from the date to which semi-annual interest was computed, on the amount of said bonds, or so much as remains unpaid, from time to time, until all said bonds and interest are fully paid.

Assessments a
lien on prop-
erty.

SECTION 5. Such assessments, with the interest accruing thereon, shall be a lien on the property abutting upon the street, avenue or alley, from the time the contract is entered into for the making of said improvement, and shall remain a lien until fully paid, having precedence of all other liens except taxes, and shall not be divested by any judicial sale unless the payment of the same is provided for from the proceeds of such sale; provided, such lien shall be limited to the usual depth of the lots or lands abutting on said improvement. No mistakes in the description of the property or the name of the owner or owners shall impair said lien.

How assess-
ments may be
paid.

SECTION 6. Any owner of property against whom an assessment shall have been made for such improvement shall have the right to pay the same, or any part yet remaining unpaid in full, with interest thereon, to the next semi-annual payment due on said assessment; such payment shall discharge the lien on the property. If any owner shall subdivide any abutting property after such lien attaches, he may discharge the same upon any part thereof in like manner.

Bonds; how
paid.

SECTION 7. All moneys received from such assessments shall be appropriated by the city council solely to the payment of the interest and the redemption of the bonds issued for said improvement, or any renewal thereof. If any bond or interest shall be due, and no money is in hand to pay the same, the citizens shall be authorized to make a temporary loan to pay the same; but such lien shall continue in full force on the abutting property for the full assessments not paid, and accruing interest for such temporary loan, in behalf of said city.

Board of prop-
erty owners to
see that con-

SECTION 8. When such ordinance is enacted, the council may designate two or more owners of property abutting on

said improvement, who, with the city engineer, shall constitute a board, which, after the contract for the improvement has been made by the council under section 2303, may elect a superintendent, who shall see that the said contract is performed according to its true intent, and all orders of the engineer in furtherance thereof obeyed. When completed, the said superintendent and engineer shall certify to the same, and shall make a proper plat and assessment for said improvement on the abutting property. The property owners on such board shall serve without compensation, but the superintendent shall be paid such compensation as shall be agreed upon by said board, and such payments shall be a part of the cost of said improvement thereof.

tract is performed.

SECTION 9. In any action to enforce or enjoin any assessment, the court shall disregard any irregularity or defect, whether in the proceedings of the said board or council, or any officer of the corporation, or in the plans or estimates; and the acceptance of the work by the council upon the certificate of the superintendent or city engineer shall be presumptive evidence that the contract has been complied with, and the assessment exists; but if it be shown that there is any substantial defect of the improvement, or any fraud in the contract price of the work or materials, the court may order such deduction therefor from the cost of said improvement, and such deduction shall be ratably deducted from the assessments on all the property abutting on said improvement, and the court may make such order in regard to the costs, where such substantial defect or fraud, as [to] the court shall deem proper.

Concerning actions to enforce or enjoin assessment.

SECTION 10. Section 2270 of the Revised Statutes of Ohio, as amended April 25, 1885 (82, p. 155), shall not apply to any improvement ordained to be made under this act, provided that said improvement shall be made by a concurrence of two-thirds of the members elected to the city council.

Exception.

SECTION 11. The term owner in this act shall be construed to include all corporations, private, public, state or municipal.

SECTION 12. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 104.]

AN ACT

To amend sections 2926 and 2926v, of the Revised Statutes of Ohio, as amended March 14, 1888 (85 v., p. 85), sections 2926d and 2926j, as amended May 19, 1886 (83 v., p. 211), sections 2926a, 2926b, 2926o, and 2926t, of the Revised Statutes of Ohio, as amended March 16, 1887 (84 v., p. 119), and section 2926c, as amended April 16, 1888 (85 v., p. 341).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2926 and 2926v, as amended March 14,

1888 (85 v., p. 85), and 2926a, 2926b, 2926c, 2926d, as amended March 16, 1887 (84 v., p. 119), section 2926c, as amended April 16, 1888 (85 v., p. 341), and sections 2926d and 2926j, as amended May 19, 1886 (83 v., p. 211), be so amended as to read as follows:

Election precincts.

Sec. 2926. In cities of the first, third and fourth grades in the first class, and in cities of the second class, when six hundred votes or more have been cast at the last preceding election in any ward, or in any precinct in any ward, such ward or election precinct shall be divided by the board of elections hereinafter provided for, into two or more election precincts, so as to limit the number of votes in each ward or precinct to three hundred, as nearly as may be practicable. And from time to time the said board shall re-arrange, subdivide or combine precincts thereafter as often as it may deem such action necessary. And in cities of the second grade in the first class, the board of elections thereof may divide, combine or re-arrange any ward or election precinct so as to secure the convenience of electors and the prompt and correct conduct of elections.

Registration required of voters.

Sec. 2926a. In cities of the first and second class, no person shall be deemed or held to have acquired a legal residence in any ward or election precinct for the purpose of voting therein at any election, general or special, nor shall he be admitted to vote at any election therein unless he shall have caused himself to be registered as an elector in such ward or precinct, in the manner and at the time hereinafter required.

Board of elections; how constituted.

Sec. 2926b. The governor of the state shall appoint for each city of the first and second class a "board of elections," to consist of four electors of such city, of well-known intelligence and integrity, not more than two of whom shall be of the same political party, or so reputed. No person shall be appointed or be a member of such board who holds any office under the United States, the state of Ohio, except notaries public, or of such city, or the county in which such city is situated, or who is employed in any department of such city or county or by any officer of such city or county; and all votes cast at any election for any person who is, or, within three months next preceding such election, has been a member of such said board, shall be absolutely void. In the appointment of such board of elections by the governor, two members of different political parties shall be designated to serve for two years from the date of their appointment, and the other two, also to be of different political parties, shall be designated to serve for four years from that time; and biennially thereafter the governor shall appoint two members, of different political parties, for the term of four years. For misconduct or neglect of duty, the governor may remove any member of said board; and any vacancy which may occur in such board, by the death, resignation, removal or disability of any of its members, shall be filled by appointment of the governor for the unexpired term of such vacancy or vacancies, and so that each political party shall always have an equality of representation in the said board, or as near as may be. The governor shall appoint a secretary of such board, who shall be an

Removals; vacancies.

Secretary.

elector of such city, fully qualified for such place and who shall hold the same for the term of four years; but he may, for official misconduct, be removed by the board; the governor shall appoint his successors, each for the same term of years, and in case of the death, resignation, or removal of the secretary, shall fill the vacancy for the unexpired part of such term. The secretary shall, subject to the control of the board of elections, keep a full and true record of their proceedings, file and preserve in their office all orders, rules and regulations in anywise pertaining to the administration of registration and elections; prepare and furnish, under the orders of such board, all the registers, books, maps, forms, oaths, certificates, instructions and blanks, for the use and guidance of registrars, judges and clerks of elections, and the board of canvassers; provide for timely furnishing of such officers therewith, and with all the necessary supplies provided for them; to receive and keep close custody of all the registers and copies returned to such office as provided herein, and of all records, papers and certificates of every kind relating to the office or administration of such board of elections; he shall also have the care of the ballot boxes while deposited at the office of such board of elections; and he shall perform all such other or further duties pertaining to such office and affairs as shall be prescribed by such board. The board of elections shall have a sufficient and suitable office and rooms for the purpose herein required, which shall be in charge of their secretary, and shall be kept open daily, except Sundays and legal holidays, in cities of the first and second grades in the first class, and at such times as the board of elections may require in cities of the third and fourth grades in the first class, and first, second, third and fourth grade, in the second class. Each member of the board of elections and the secretary shall, before entering upon the discharge of their office, take and subscribe an oath to support the constitution and the laws of the United States, and the state of Ohio, and faithfully discharge the duties of their office, and to make their utmost endeavors to secure fair and honest elections, which oath shall immediately be filed in the office of the city clerk of such city and be preserved by him.

His duties.

Office of board

Sec 2926c The members of the board of elections shall meet within ten days after their appointment, at the mayor's office of such city, and organize by electing one of them president by ballot. If they fail so to do within fifteen minutes after meeting, the president shall then be chosen by lot. No order, resolution, or action of such board shall be valid without the vote of three of the four members. Such board shall appoint all registrars of elections, judges and clerks of election and other clerks, officers or agents herein provided for, and designate the ward or precinct in which each shall serve. They shall also appoint the places of registration of electors, and holding elections in each ward or precinct, and hire suitable rooms for such purpose and for their own office, at such rents as they deem just: they shall also provide the necessary and proper furniture and supplies for such rooms, and for the purchase, preservation and repair of all ballot-boxes necessary

Organization of board - its general powers and duties.

Regulations.

for use at elections in such city, and all books, blanks and forms necessary for the registrations and elections herein designated, and for duly issuing all notices, advertisements or publications required by law. The board may, from time to time, make and issue all such rules, regulations and instructions, not inconsistent with law, as they shall deem necessary for governing or guiding their secretary and his deputy or assistants, and the registrars of electors and judges, and clerks of elections, or other persons under their control in the proper discharge of their respective offices and duties. They shall divide, define and proclaim the election precincts of such city, authorized in section 2926, and the boundaries thereof, and provide for furnishing to each registrar of electors and judges of elections a map and pertinent description of such division and boundaries, and of any changes which from time to time are made by them. When necessary in cities of the first and second class they may employ a deputy and one or more clerks as temporary assistants of their secretary, at a salary not to exceed the rate of one hundred dollars per month, and prescribe their duties. The period for which they are employed must always be fixed in the order authorizing their employment, but they may be discharged sooner, at the pleasure of the board. Such deputy-secretary, and all such assistants shall take the oath above described.

Salaries and expenses; how paid.

Sec. 2926d. The cost and charge of the salaries of members of such board of elections in any such city, and of the secretary and his deputy and assistants, and all necessary expenses of the board for the purposes herein authorized, and the lawful compensation of all registrars of electors, and judges and clerks of elections, appointed by such board, and the necessary cost of the registrars and poll-books, or other books, blanks, forms, stationery and supplies to be provided by said board of elections for the purposes herein authorized, and the cost of the rent, furnishing and supplies of all rooms hired by the said board for their offices and as places for the registration of electors and holding of elections, and for the purchase, repairs and preservation of the ballot-boxes, shall be borne and paid, by any such city, out of its general fund, upon vouchers of such board, certified by its president and secretary, specifying in every voucher the actual services, items of supplies, and prices and rates in detail, which shall be allowed by the city comptroller, or city auditor, and in cities having no such comptroller or auditor, by the city clerk, and upon his warrant paid by the city treasurer of any such city.

Voters required to register.

Sec. 2926j. Every male person who is a citizen of the United States, and a lawful resident of this state, and of any city of the first and second class, and who is, or at the next [ensuing] election in such city will be entitled to vote therein, shall, on application, in the election precinct where he lawfully resides, and complying with the requirements herein, be registered as a resident and elector therein, but not otherwise. But no person shall be entitled to vote at any election in any such city unless he shall establish his residence by causing himself to be registered in the precinct where he shall claim

to reside, in the manner and at the time required herein, nor shall any ballot be received by the judges at any election under any pretence whatever, unless the name of the person offering such ballot shall have been entered on both of the registers of the precinct in which he claims to vote, as herein provided. And it shall be the duty of every elector resident in any such city to see that his name has been so registered. But any elector in any such city who is prevented by sickness or physical disability from appearing before the registrars, at the place in his election precinct, on the days for general registration hereby appointed, may apply to such registrars on either of said days by his affidavit, made before any judge or justice of the peace or notary public in such city, and containing a full and proper answer under all the heads or columns required for registration, and transmit the same to such registrars by a credible person, who is an elector of such precinct, and personally cognizant of the sickness and disability of such applicant, and of the facts stated in such affidavit, and who shall be examined by such registrars, under oath, in the premises. And if satisfied that such applicant is a resident of such precinct, and that he is then, or on the day of the next election, will be qualified to vote in such precinct, but not otherwise, such registrars shall enter said applicant as registered, and in the column for signatures enter the word "affidavit," and transmit the affidavit, with the registers, to the judges of election, and such registration shall be sufficient.

Registration of
persons dis-
abled by
sickness, etc.

Sec. 2926a. On the day of the November election in every year, and of any other election, the polls in each and every precinct in cities of the first and second class, shall be opened by the judges of elections appointed and organized as in this act provided, by proclamation made by the chairman, at the hour of six o'clock in the morning, and shall be closed by proclamation, at the hour of four o'clock in the afternoon in cities of the first grade of the first class, and at the hour of six o'clock in the afternoon in cities of the second, third and fourth grades of the first class, and in cities of the second class. The registrars acting as judges shall punctually, at the hour of opening the polls, attend and produce at the polling places in the several precincts, the registers' affidavit of sick or absent electors and accompanying papers, and also the duplicate certified list of electors, prepared by them as herein required. The chairman of the board shall at once designate two members of the board of judges of different political parties, each to hold and to have charge of one of the said duplicate lists; no ballot shall be deposited in the ballot box, until the name of the elector offering it, shall first have been stated by him, and announced aloud by the judge holding the ballot, nor until it shall have been found on both such lists, and so announced by both of the judges holding such lists. Every ballot must be put in the ballot box by the judge who receives it from the elector; and such judge and the ballot box must always be so placed, and the ballot be so held forth by the judge, that it shall be in full view of the elector, until actually put into the box. For any willful violation or evasion of this rule by any such judge, he shall at

Opening and
close of polls.

Duty of regis-
trars.

Location of
ballot box.

once be expelled from his office by the other three judges, and the vacancy filled in the manner provided by section 2926e, and immediately upon the depositing of the ballot in the box, each of the said judges shall check off the name of such elector on the duplicate list, held by him, by placing a "V" distinctly with ink in the column under the word "voted," and in the line with the elector's name; provided, that it shall be unlawful for any judges or clerks of election, or of any of the witnesses or challengers, admitted into the polling rooms at the election, at any time while the polls are open, to have in his possession, or to distribute, or to give out any ballot or ticket to any person on any pretense, nor during the counting or certifying of the votes, to have any ballot or ticket in his possession or control, except in the proper discharge of his duty, in receiving, counting or canvassing the votes as required by law; but this prohibition shall not extend to the lawful exercise by any judge or clerk of elections, or witness, or challenger aforesaid, of his individual right to vote at such election. Any registered elector, when offering to vote, may nevertheless be challenged by an elector as a non-resident, or for any of the causes allowed by law, and he shall be sworn, and the same proceeding thereupon had as in other cases; in all cases of challenge, the judges holding the duplicate lists aforesaid, shall note the word "sworn" opposite the name of the person challenged. And except as otherwise required herein, the judges of elections appointed, as herein provided, shall have the same powers and discharge all the duties conferred or required by the general laws of the state regulating elections. But except where some authority or duty is herein allotted to one of said judges, no order or action on their part shall be of any validity without the concurrence of three members of said board of judges in any precinct.

Challenges.

Salaries of members of board of elections.

Salary of secretary.

Sec. 2926f. Each member of the board of elections appointed under this act, in cities of the first grade in the first class, shall be allowed and paid a salary of one thousand dollars (\$1,000) per annum, in cities of the second grade in the first class, a salary of six hundred dollars (\$600) per annum. And in cities of the third and fourth grades in the first class, and the first and second grades, of the second class, a salary of four hundred dollars (\$400) per annum, payable quarterly, and in cities of the third grade in the second class a salary of \$200 per annum, payable quarterly, and in cities of the fourth grade in the second class a salary of fifty dollars (\$50) per annum, payable semi-annually. The secretary of the board of elections in cities of the first grade in the first class, shall be allowed and paid a salary of two thousand and four hundred dollars (\$2,400) per annum, in monthly payments, and in cities of the second grade in the first class, a salary of two thousand dollars (\$2,000) per annum, in monthly payments, and in cities of the third grade in the first class, six hundred dollars (\$600) per annum, in monthly payments, and in cities of the first and second grades, second class, a salary of five hundred dollars (\$500) per annum, in monthly payments, and in cities of the third grade in the second class a salary of \$200 per annum, and such additional sum not exceeding one

hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade in the second class a salary of one hundred dollars (\$100) per annum, payable quarterly, which salaries shall be paid from the city treasury, upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city auditor, or city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of elections so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades in the second class they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge, or clerk shall be entitled to the compensation so fixed, except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty according to law as such, and stating the number of days' service actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk, or city auditor of such city, but for all general elections, other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges, and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasurer for such amount.

Compensation
of registrars,
judges and
clerks.

When ex-
penses of regis-
tration to be
paid by
county.

Sec 2926v. The preceding provisions shall extend to the April election, or any other public election authorized by law to be held in any city of the first and second class, as follows:

April and oth-
er elections.

1. There shall be no general registration, as provided in sections 2926h and 2926i, except that on Friday and Saturday in the second week before any such election, the registrars for each precinct shall obtain the last preceding registers made by them from the board of elections, and attend at the place in such precinct appointed for the registration of electors, between the hours herein directed for the purpose, and receive applications for registrations by such qualified electors residing therein as are not already registered, and if qualified, shall enter the same in the registers, subject to the same rules and conditions as herein prescribed as to general registration; and on such days shall also perform the same duties as prescribed in section 2926m. Between the first day of March and the Thursday in the second week before the April election, the secretary of the board of elections shall be the registering officer, and shall perform the duties required in section 2926h, both as to electors who will be absent, and as to affidavits of absentees; and on the days for revisions of the registration, the registrars shall receive affidavits of sick or disabled electors as required in section 2926i. The board of elections may, during the week previous to the April elec-

Registration
for such elec-
tions.

Changes in
and additions
to register.

tion, issue orders for registration, which orders, if presented at the meeting for organization, held Saturday evening before the April election, shall be received by the registrars and be disposed of as required in section 2926m. And any additions or changes then entered by them in their registers, shall also be made in the duplicate list of voters, which, after being carefully prepared with the registers and [with] each other shall be produced by them, together with the registers of such precinct, at the opening of the polls on the day of election and then be used, applied and disposed of by the judges in all respects as directed in section 2926o.

Organization
of board of
judges.

2. At seven o'clock in the evening of the Saturday next preceding any such election, the registrars for each and every precinct and the other two judges of election shall meet at the polling place therein appointed for such election, and shall then and there organize as a board of judges and perform the other duties prescribed in section 2926n, and in the manner therein directed.

Poll-books.

3. The poll-book required by section 2926q to be delivered by the judges of election to the clerk of the court of common pleas, shall be addressed by them to the "board of canvassers" of such city, and not of the county, and delivered to the city clerk of such city, and not to the clerk of [the court of common pleas.

Board of
canvassers.

4. The board of canvassers of elections in each such city shall be composed of the said board of elections and of the city clerk of such city. Within four days after the April election in such city, every year, or after any special election, the said "board of canvassers" shall meet at the office of the board of elections of such city, at ten o'clock in the forenoon at the call of the chairman of the said board of elections, and organize by electing a chairman and a secretary; the returns received by the city clerk shall then be produced by him and opened and canvassed by the board of canvassers as prescribed in section 2926r, and by law.

New wards
and precincts.

5. Whenever a new ward has been created, or the boundaries of any ward or precincts have been changed after the general registration and before the April election following, it shall be the duty of the board of elections to appoint election officers, re-arrange the voting precincts, provide for registration of electors not already registered, make new registers and certify the registration of registered electors whose voting precinct has been changed, and make all necessary arrangements and regulations for holding elections in such new or altered wards and precincts; provided, that the right of any registered elector to vote shall not be prejudiced by any error in making out the certified lists of registered voters.

SECTION 2. That said sections 2926 and 2926v, as amended March 14, 1888 (85 v., p. 85), said section 2926c, as amended April 16, 1888, said sections 2926a, 2926b, 2926o and 2926t, as amended March 16, 1887 (84 v., p. 119), and sections 2926d and 2926j, as amended May 19, 1886 (83 v., p. 211), be and the same are hereby repealed; provided, that nothing herein con-

ained shall operate or be construed to vacate any appointments heretofore made by virtue of the provisions of the acts to which this act is amendatory; and provided, that the provisions of this act shall not apply to any city of any grade having a population at the last federal census of less than nine thousand.

SECTION 3. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 483.]

AN ACT

To give consent to the purchase, by the United States, of a site for the erection of a public building in Portsmouth, Ohio, and ceding jurisdiction over the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the consent of the state of Ohio is hereby given to the purchase, by the United States of America, of one or more pieces of land, situate in the city of Portsmouth, Scioto County, Ohio, not exceeding one acre in quantity, more fully described as follows: Being situate on Chillicothe street, between Sixth and Gallia, having a frontage of one hundred and twenty-two (122) feet on Chillicothe street, by one hundred and ten (110) feet each on Sixth and Gallia streets, on which to erect a public building and appurtenances, for the use and accommodation of the post-office, internal revenue office, pension office, and for other government uses; and the said United States shall have, hold, use, occupy and own the said land, when purchased, and exercise exclusive jurisdiction and control over the same, and each and every part thereof, subject to the restrictions herein mentioned.

Giving consent to purchase by the United States of a site for a public building at Portsmouth..

SECTION 2. The jurisdiction of the state of Ohio, in and over the land mentioned in this act, when purchased by the United States, shall be and the same is hereby ceded to the United States, to continue so long and no longer, than the United States shall own and occupy the said land.

SECTION 3. The said consent is given, and the said jurisdiction ceded, upon the express condition that the state of Ohio shall retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil process, in all cases, and such criminal and other process as may issue under the laws or authority of the state of Ohio, against any person or persons charged with any crime, misdemeanor or offense, committed within said state, including said land, may be served and executed therein, in the same way and manner as if such consent had not been given, or jurisdiction ceded,

except so far as such process may affect the real or personal property of the United States; and also upon the further condition that all persons who are now residing, or shall hereafter reside upon said land so acquired, shall, subject to the general laws of this state, be deemed and held to be citizens of the state of Ohio, entitled to all the privileges, and subject to all the liabilities and duties of citizens of this state; and the taking possession of said lands by the United States shall be taken and held as an acceptance, on the part of the United States, of all the stipulations, conditions and terms of this act.

SECTION 4. The jurisdiction ceded by this act shall not vest until the United States has acquired the title of said lands by purchase or otherwise; so long as said lands shall remain the property of the United States, and no longer, the same shall be exempted from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

SECTION 5. This act shall take effect from its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives
WM. C. LYON,
President of the Senate

Passed March 12, 1889.

[Senate Bill No. 393.]

AN ACT

To amend section two of an act entitled "an act to provide for the establishment and maintenance of a home for disabled and indigent ex-soldiers, sailors, and marines of Ohio," passed April 30, 1886 (83-107).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the act entitled "an act to provide for the establishment and maintenance of a home for disabled and indigent ex-soldiers, sailors and marines of Ohio," passed April 30, 1886, be amended so as to read as follows:

Who entitled
to admission.

Sec. 2. All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and who are citizens of Ohio at the date of the passage of this act, and all soldiers of the national guard of Ohio, who have heretofore, lost, or may hereafter lose an arm or leg, or his sight, while in the line and discharge of duty, who are not able to support themselves, and are not entitled to admission to the national military homes, or can not gain admission thereto, may be admitted to the home named in the preceding section, under such rules and regulations as may be adopted by the board of trustees hereinafter provided for; provided, that as to honorably discharged soldiers who have served the United States government, preference shall be given to those who served in Ohio military organizations.

SECTION 2. That original section two of said act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 614.]

AN ACT

To amend section 3320 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3320 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 3320. Each company shall cause three, each way, of its regular trains carrying passengers, if so many are run daily, Sundays excepted, to stop at a station, city, or village, containing over three thousand inhabitants, for a time sufficient to receive and let off passengers; if a company, or any agent or employe thereof, violate, or cause or permit to be violated, this provision, such company, agent, or employe shall be liable to a forfeiture of not more than one hundred nor less than twenty-five dollars, to be recovered in an action in the name of the state, upon the complaint of any person, before a justice of the peace of the county in which the violation occurs, for the benefit of the general fund of the county; and in all cases in which a forfeiture occurs under the provisions of this section, the company whose agent or employe caused or permitted such violation shall be liable for the amount of the forfeiture, and the conductor in charge of such train shall be held, prima facie, to have caused the violation.

Passenger
trains must
stop at certain
stations.

SECTION 2. Said original section 3320 is hereby repealed; and this act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 598.]

N ACT

To authorize municipal corporations within counties containing a city of the second grade of the first class, whose boundary line is, in whole or in part, within the lines of a street or streets, to make certain improvements therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, in any county containing a city of the second grade of the first class, any part of the boundary

How certain
improvements
made in Cleve-
land.

line of two municipal corporations is within a street or streets, and it becomes necessary, in the opinion of the councils of such municipal corporations, to grade, drain, curb, gravel, pave or construct a sewer in such street or streets, or otherwise improve the same, it shall be lawful, and such corporations are hereby authorized to agree upon the terms, location and construction of the same, and jointly to make and construct such improvements, or any one or more of them, in said street or streets, for common use.

Providing for
assessments,
etc.

SECTION 2. For the purpose of making such improvements, or any of them, the council of each such municipal corporation shall pass the necessary resolutions and ordinances, provide the necessary plans and specifications, provide, by proper resolutions and ordinances, for the assessment of the cost of the same, not exceeding the amount now or hereafter allowed by law; all which resolutions and ordinances, the providing of plans and specifications, the making of the assessment for the payment of the costs thereof and the supervision and control of said improvements shall be done and made under the laws now in force, or which shall hereafter be in force, in such municipal corporations, respectively, in relation to the making of said improvements; provided, however, that in the advertisement for and receiving of bids for the construction of said improvement or improvements, and the making of the contracts in relation thereto, the same shall be in the joint names of such corporations; provided, further, that each corporation shall be liable for such proportion of the cost of said improvement or improvements as shall be specified in the ordinances for the making of said improvement or improvements; and provided, further, that assessments for the payment of the cost thereof shall be made by such corporations, respectively, as assessments for like improvements are made whose limits are wholly in such corporation.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 594.]

AN ACT

To amend section four thousand and ninety-eight (4098) of the Revised Statutes of Ohio, as amended April 18, 1881 (O. L., vol. 78, p. 178).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four thousand and ninety-eight (4098) of the Revised Statutes of Ohio, as amended April 18, 1881 (O. L., vol. 78, page 178), be so amended as to read as follows:

Sec. 4098. The custody and management of any and all estates, property, or funds so given, or transferred in trust to said city, and the entire administration of any and all such trusts so accepted by the common council thereof, and any university, college, or institution for the promotion of education heretofore or hereafter so founded in or by said city, except the common and high schools thereof, shall be committed to a board of nineteen directors, of whom the mayor of the city shall be one, and the others shall be appointed by the common council from persons of approved learning, discretion, and fitness for the office, six of whom shall be appointed from persons nominated to the common council by the board of education of the city, and twelve from persons nominated to the common council by the superior court of said city, if there be such court; the term of office of each director shall be six years. Such directors shall serve until the election or qualification of their successors; and any vacancy in the board caused by expiration of term, resignation, removal, or any other cause, shall be filled by appointment herein provided for the unexpired term. The board of directors shall, at the first regular meeting in January, elect a chairman, who is hereby authorized to administer the oath of office to any director so appointed.

Board of directors; how appointed.

SECTION 2. Section four thousand and ninety-eight (4098) of the Revised Statutes is hereby repealed; and this act shall take effect and be in force from and after its passage, but shall not be construed to affect the term of any director appointed under the section of the Revised Statutes hereby repealed.

This act not to affect present directors.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 554.]

AN ACT

To amend section 3835d of the Revised Statutes of Ohio, relating to building and loan companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3835d be so amended as to read as follows:

Sec. 3835d. The shares and loans advanced to its members shall be exempt from taxation, except shares or stock upon which no loans have been made or money advanced by the company, shall be considered and held as credits, and the said members individually shall list for taxation the number of shares held by them, and the true value thereof in money, on the day preceding the second Monday in April in each year, and the same shall be assessed at such valuation for taxation and taxes as other property.

Taxation of building association stock.

SECTION 2. That original section 3835d, passed May 8, 1886 (83 vol., 117), be and the same is hereby repealed.

SECTION 3. This act shall be in force on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 493.]

AN ACT

To amend section 3773 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3773 of the Revised Statutes of Ohio be so amended as to read as follows:

When and how
religious cor-
poration may
sell cemetery
grounds.

Sec. 3773. When a religious corporation or society holds any lands within the limits of any city or village which has been used as a cemetery, and interments in which have been prohibited by the ordinances of such municipal corporation, the trustees, wardens, vestry, or other officers intrusted with the management of the property of such corporation or society, may file a petition in the court of common pleas of the county where such property is situate, setting forth therein a description of the property, the existence of such ordinance, and the names of all persons holding burial privileges in such cemetery, so far as known to them, and if such privileges are held by persons whose names are unknown to them, the facts as to same shall also be stated, and asking that the value, if any, of such burial privileges shall be determined by the court, and the direction of the court as to the removal of the bodies interred in such cemetery to other cemeteries, and for an order to sell such property free from such burial privileges. Notice of the filing of such petition shall be given by publication in some newspaper printed and of general circulation in the county where it is filed, for four consecutive weeks, setting forth the object and prayer thereof, and that any persons claiming an interest in the subject-matter of the petition, or burial privileges in such cemetery, may appear and file an answer therein within six weeks from the date of the first publication of such notice, and after which such case shall stand for hearing; and if, upon final hearing of the case, it shall be made to appear that such cemetery is as above described, the court shall proceed, with or without the aid of a jury, as the parties appearing may elect, and hear and determine the value, if any, of such burial privileges, and order that the corporation or society shall pay any amount so ascertained to the holder of such privilege, and the court may

order said cemetery property sold, free from such burial privileges, and may direct a subdivision of same into lots for the purpose of sale, and shall direct the application of the money arising therefrom to such uses of such corporation or society, for pious or educational purposes, as the trustees, wardens, vestry, or other officers conceive to be most for the interest of the corporation or society to which the cemetery so sold belonged; but such sale shall not be made until the bodies interred therein are removed to other cemeteries, as directed by the court on the final hearing of the case; provided, that any holder of such burial privilege who may not have appeared in such proceeding, and who has not waived his right to receive compensation for same, may assert his right to receive from such society or corporation compensation therefor, within five years after the final entry to such proceedings.

SECTION 2. That said original section 3773 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[House Bill No. 942.]

AN ACT

To authorize the Gettysburg memorial commission to have printed additional copies of its report, and make an appropriation therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Gettysburg memorial commission is hereby authorized to have printed three thousand (3,000) additional copies of the official report of said commission, in the manner and form provided for in an act passed March 30, 1888, entitled "an act to authorize the Gettysburg memorial commission to publish its report in pamphlet form, and making an appropriation therefor."

Authorizing
the printing of
additional
reports of the
Gettysburg
memorial com-
mission.

SECTION 2. The distribution of said additional copies, when printed, shall be as follows: Two thousand five hundred (2,500) copies by the general assembly, and five hundred (500) copies by the adjutant-general.

The distribu-
tion of the
same.

SECTION 3. Said commission is hereby authorized to pay the expense of printing said additional copies of said report out of the unexpended balance appropriated by the act passed April 21, 1886, entitled "an act to amend and supplement an act to appropriate money to purchase lands upon which to

erect a monument to the memory of the soldiers of Ohio who died upon the field of Gettysburg."

SECTION 4. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1015.]

AN ACT

To amend section 4443 of the Revised Statutes of Ohio, as amended March 12, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4443 of the Revised Statutes of Ohio, as amended March 12, 1886, be so amended as to read as follows:

Standard
weight of
bushel.

Sec. 4443. A bushel of the respective articles hereinafter mentioned shall mean the amount of weight, avoirdupois, in this section specified, viz.:

- Of wheat, sixty pounds.
- Of rye, fifty-six pounds.
- Of oats, thirty-two pounds.
- Of clover seed, sixty pounds.
- Of timothy seed, forty-five pounds.
- Of hemp seed, forty-four pounds.
- Of millet seed, fifty pounds.
- Of buckwheat, fifty pounds.
- Of beans, sixty pounds.
- Of peas, sixty pounds.
- Of hominy, sixty pounds.
- Of Irish potatoes, sixty pounds.
- Of sweet potatoes, fifty pounds.
- Of onions, fifty pounds.
- Of dried peaches, thirty-three pounds.
- Of dried apples, twenty-two pounds.
- Of flax seed, fifty-six pounds.
- Of barley, forty-eight pounds.
- Of malt, thirty-four pounds.
- Of Hungarian grass seed, fifty pounds.
- Of lime, seventy pounds.
- Of coke, forty pounds.
- Of bituminous coal, eighty pounds.
- Of cannel coal, seventy pounds.
- Of corn, shelled, fifty-six pounds.

Of corn, in the ear, sixty-eight pounds.

Of tomatoes, fifty-six pounds.

Of apples, forty-eight pounds.

Of peaches, forty-eight pounds.

Of turnips, sixty pounds.

Of carrots, fifty pounds.

Of beets, fifty-six pounds.

SECTION 2. That section 4443 of the Revised Statutes of Ohio, as amended March 12, 1886 (83 v., O.L., 31), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1174.]

AN ACT

To amend section 5 of an act entitled "an act to provide for the construction of trunk sewers in cities of the first grade of the first class," passed March 12, 1887 (84 O. L., 75).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5 of an act entitled "an act to provide for the construction of trunk sewers in cities of the first grade of the first class," passed March 12, 1887, be amended so as to read as follows:

Sec. 5. In making such improvements the board of public affairs shall be governed by the laws relating to the construction of sewers in such cities, and the condemnation and appropriation of private property therefor, except that said board of public affairs shall have and exercise all the powers and perform all the duties of council in the prosecution of said work or furnishing material therefor, the making and levying assessments therefor, the enforcement and collection thereof, the certificates of any unpaid assessment to the county auditor to be placed upon the tax list, the payment to contractors for the construction of such sewers, and the appropriating, entering upon and taking private property for the purposes of such sewers and obtaining rights of way therefor; said board of public affairs shall have and exercise all the powers now vested in council, and shall be subject to all the restrictions and regulations now imposed upon said board of public affairs in cases where any improvement by sewerage or appropriation of private property therefor has been ordered or made by council, except as herein altered or amended; it

Powers and
duties of board
of public
affairs in mak-
ing such im-
provement.

being the intention and meaning hereof, that in all such improvements it shall not be necessary to have the action or concurrence of council in any of said proceedings.

SECTION 2. That said section 5 of the act entitled "an act to provide for the construction of trunk sewers in cities of the first grade of the first class," passed March 12, 1887, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1253.]

AN ACT

To amend section 995 of the Revised Statutes of Ohio, as amended April 21, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio;* That section 995 of the Revised Statutes of Ohio, as amended April 21, 1886, be amended so as to read as follows:

Organization
of board, its
duties etc

Sec. 995. The members of such board shall, on the first Tuesday of January, annually, assemble and organize, and shall meet thereafter on the second and fourth Tuesdays of each month; a majority of the whole number of members shall be necessary to constitute a quorum for the transaction of business, and all their proceedings shall be public; they shall determine the rules of their proceedings, and these shall, as far as possible, be in accordance with parliamentary law; they shall keep a journal of their proceedings, which shall be open at all proper times to the inspection of the public, and may compel the attendance of absent members in such manner as they prescribe, they shall elect from their own body a president, who shall preside at their meetings, and they may elect a president pro tempore. The members of the board of control shall receive no compensation for their services; they shall elect a clerk, and said clerk shall be entitled to receive a salary at the rate of twelve hundred dollars per annum for his services, who shall keep a correct journal of all the proceedings of said board of control, and perform such other duties as are required by the regulations and rules of the board; said clerk shall hold his office until his successor is elected and qualified.

SECTION 2. That said section 995, as amended April 21, 1886, of the Revised Statutes of Ohio, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 383.]

AN ACT

To amend section 2412 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2412 of the Revised Statutes be amended so as to read as follows:

Sec. 2412. If there is any surplus, after paying the expenses of conducting and managing the water-works, and the repair of the same, such surplus may be applied to the enlargement or extension of the works of the reservoirs, the payment of the interest of any loan made for their construction, or for the creation of a sinking fund for the liquidation of the debt; provided, that in cities of the second grade of the first class, such surplus shall be first applied, so far as necessary, to the payment of the interest of any loan made for the construction, extension or enlargement of the works or reservoirs; and the amount authorized to be levied and assessed for water-works purpose shall be applied by the council to the creation of a sinking fund, for the payment of the indebtedness incurred for the construction and extension of water-works, and for no other purpose whatever.

Disposition of
surplus.

SECTION 2. Said original section 2412 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 736.]

AN ACT

To amend section 4977 of the Revised Statutes of Ohio, as amended April 14, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4977 of the Revised Statutes of Ohio, as amended April 14, 1886, be so amended as to read as follows:

Limitation of
actions for re-
covery of
realty.

Sec. 4977. An action for the recovery of the title or possession of real property, can only be brought within twenty-one years after the cause of such action accrues; and whenever any of the streets or alleys or any part or parts thereof lain [laid] out and shown on the recorded plat or plats of any cities or villages in the state of Ohio, shall not have been opened to the public use and occupancy of the citizens of said cities or villages, or other person or persons, and said streets or parts thereof not opened to public use as aforesaid shall have been enclosed by a fence by the owner or owners of the inlot or lots [or] outlots lying on, adjacent to, or along such streets or alleys or parts thereof not opened as aforesaid, and remained in the open uninterrupted use, adverse possession and occupancy of such owner or owners of such lot or lots lying on, adjacent to, or along such streets or alleys for the period of twenty-one years, and which said streets, alleys, inlots or outlots, shall be part and parcel of the tract of land lain [laid] out into such streets, alleys and lots, by the original proprietor or proprietors, laying out said streets, alleys and lots, the public easement therein shall be and the same hereby is extinguished, and the right of said cities or villages, the citizens thereof or other person or persons, and the council of said cities or villages and legal authorities thereof to the use, control or occupancy of so much of said streets and alleys as has been fenced up, used, possessed and occupied as aforesaid is barred to said cities, villages and the citizens thereof and other person or persons except to said owners of said inlots or outlots lying on, adjacent to, or along said street or streets, alley or alleys, who have occupied said streets or alleys or parts thereof in manner aforesaid.

SECTION 2. That said original section 4977, as amended April 14, 1886, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 995.]

AN ACT

To amend section 6871 of the Revised Statutes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6871, as amended April 11, 1888 (85 v., 187), be amended so as to read as follows:

Sec. 6871. Whoever knowingly violates any of the provisions of sections two hundred and ninety-seven, two hundred and ninety-eight, two hundred and ninety-nine, three hundred, three hundred and one, three hundred and two and three hundred and five, or does any act whereby the life or health of the persons, or the security of any mine and machinery are endangered, or any miner or other person, employed in any mine governed by the statute, who intentionally and willfully neglects or refuses to securely prop the roof of any working place under his control, or neglects or refuses to obey any order given by the superintendent of a mine, in relation to the security of the mine in the part thereof where he is at work, and for fifteen feet back from the face of his working place, or any miner, workman or other person, who shall knowingly injure any water gauge, barometer, air course or brattice, or shall obstruct or throw open any air ways, or shall handle or disturb any part of the machinery of the hoisting engine, or open a door of the mine and not have the same closed again, whereby danger is produced either to the mine or those that work therein, or who shall enter any part of the mine against caution, or who shall disobey any order given in pursuance of this act, or who shall do any willful act, whereby the lives and health of persons working in the mine, or the security of the mine, or the machinery thereof is endangered, or any person having charge of a mine, whenever loss of life occurs by accident connected with the working of such mine, or by explosion, who neglects or refuses to give notice thereof forthwith, by mail or otherwise, to the chief inspector of mines, and to the coroner of the county in which such mine is situate, or any such coroner who neglects or refuses to hold an inquest upon the body of the person whose death has been thus caused, and return a copy of his findings and all the testimony to the inspector, shall be fined not less than fifty dollars, or imprisoned in the county jail not more than thirty days, or both. The owner, agent, or operator of every coal mine shall keep a supply of timber constantly on hand, and shall deliver the same to the working place of the miner, and no miner shall be held responsible for accidents which may occur in mines where the provisions of this section have not been complied with by the owner, agent, or operator thereof.

Mines: penalty for injuring.

SECTION 2 Section 6871, as amended April 11, 1888, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1092.]

AN ACT

To amend an act entitled "an act for the protection of fair grounds and other enclosures and property therein, and punish offenders and trespassers thereon," passed May 1, A. D. 1885 (82 O. L., 208).

Trespass.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act for the protection of fair grounds and other inclosures, and the property therein, and to punish offenders and trespassers thereon," passed May 1, 1885, be amended so as to read as follows:

Sec. 1. That whenever any person or persons, corporation or association, whether incorporated or otherwise, shall be possessed of, as owners, or shall have the lawful custody of any tract or parcel of land within this state, for the purpose of an agricultural or other fair grounds, or for the purpose of meetings of pioneers, or for public or private entertainments or other lawful assemblages, or for the protection of trees, plants and shrubs, or either of them, or the fruits and products thereof, or for any one or all of said purposes, it shall be unlawful for any person or persons to enter or go upon said grounds, either through or over any fence, or in any other manner, without the consent and permission of the owner or owners thereof, or other person having lawful control of the same, or in violation of the regulations of the same.

Penalty.

Sec. 2. Whoever shall willfully, and in violation of the provisions of section one of this act, enter or go upon any lands referred to in said section one, or shall injure or destroy any tree, plant, shrub or other property thereon, or shall take or carry away fruit, nut or other thing of value, or shall willfully damage or destroy any fence enclosing said lands, shall on conviction thereof be fined in any sum not exceeding three hundred dollars nor less than five dollars, or be imprisoned in the jail of the proper county, or in any city, town, or village prison or lockup (when the offense shall have been committed within the corporate limits thereof), for any period not exceeding three months, and until said fine and costs are paid, or both fine and imprisonment, at the discretion of the court; and shall moreover be liable, in a civil action to the party damaged thereby, in double the value of the property taken, carried away or destroyed, and in double the amount of the damage thereto, to be recovered before a justice of the peace or other court of competent jurisdiction.

SECTION 2. That said original sections one and two of said act are hereby repealed.

SECTION 3. That this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1163.]

AN ACT

Making appropriations for the last three-quarters of the fiscal year ending November 15, 1889, and the first quarter of the fiscal year ending February 15, 1890.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, the following sums, for the purposes hereinafter specified, to-wit:

General appropriations.

Adjutant-General's Department:

Salary of assistant clerk, four hundred dollars (\$400.00).

Salary of four transcribing clerks, thirty-five hundred dollars (\$3,500.00).

Contingent expenses and inspection, eleven hundred dollars (\$1,100.00).

Repairs of state arsenal, one hundred and fifty dollars (\$150.00).

Care of military stores and freight on arms, eight hundred dollars (\$800.00).

For making soldiers' roster Ohio troops for publication, eleven thousand dollars (\$11,000.00).

For shipping roster Ohio troops, eleven hundred dollars (\$1,100.00).

For publishing roster of Ohio troops, twenty thousand five hundred dollars (\$20,500.00).

Carpet and chairs, one hundred dollars (\$100.00).

Veteran medals, ten dollars (\$10.00).

Ohio National Guard:

Expense court-martial, one hundred dollars (\$100.00).

Pay O. N. G. in camp, thirty-three thousand dollars (\$33,000.00).

Transportation O. N. G., eleven thousand dollars (\$11,000.00).

General appropriations.

Subsistence O. N. G., twelve thousand dollars (\$12,000.00).

Incidental expenses military companies, thirteen thousand eight hundred dollars (\$13,800.00).

Horse hire for batteries, forty-three hundred and ninety-five dollars (\$4,395.00).

Uniforms O. N. G., ninety-seven hundred and fifty dollars (\$9,750.00).

Overcoats and blankets, four thousand dollars (\$4,000.00).

Fuel, lumber, straw, medical supplies and rent of camp, three thousand dollars (\$3,000.00).

Forage for horses, seven hundred and fifty dollars (\$750.00).

Renovating and repairing tenting O. N. G., eight hundred dollars (\$800.00).

Provided, that the governor is hereby authorized to suspend the annual encampment of the Ohio National Guard, or of such organizations thereof as in his judgment may be best, for the year 1889, and to use the funds herein appropriated for encampment purposes, or so much thereof as may be necessary, for the purchase of new overcoats and further equipment of the guard for the encouragement of target practice; and for defraying the expenses of the guard and the Ohio commissioners in representing the state at the celebration of the centennial celebration of the inauguration of George Washington as President of the United States, April 30, 1889, at New York city; providing, that the amount used in connection with said centennial expenses shall not exceed the sum of thirty-five thousand dollars (\$35,000.00).

State House and Grounds:

Salary of two firemen, three hundred and ninety-five dollars and fifty cents (\$395.50).

Salary of four regular laborers, two thousand dollars (\$2,000.00).

Extra labor, one thousand dollars (\$1,000.00).

Material and repairs, ten hundred and fifty dollars (\$1,050.00).

Fuel for state house, fourteen hundred dollars (\$1,400.00).

Care and repair of heating apparatus, seven hundred dollars (\$700.00).

Ohio State Board of Agriculture:

Encouragement of agriculture, thirty-five hundred dollars (\$3,500.00).

Contingent expenses, four hundred and fifty dollars (\$450.00).

Interest and floating debt, to pay interest on bonds and to pay outstanding liabilities, thirteen thousand nine hundred and eighty-six $\frac{23}{100}$ dollars (\$13,986.08).

Provided, that this appropriation and the language used in making the same shall not now or hereafter be so construed or interpreted as to make the state legally or morally bound to again pay the interest on the said bonds and liabilities, or ever, at any time, to pay the principal thereof.

General appropriations.

Agricultural Experiment Station:

Completing station building, including heating apparatus, six hundred dollars (\$600.00).

Green-houses, fourteen hundred dollars (\$1,400.00).

Attorney-General:

Contingent expenses, three hundred dollars (\$300.00).

Auditor of State:

Contingent expenses, eleven hundred dollars (\$1,100.00).

Attorney fees and expenses in bank cases, five hundred dollars (\$500.00).

Repairing office and furniture, one hundred and fifty dollars (\$150.00).

Board of Pardons:

Expenses of board, three hundred dollars (\$300.00).

Board of State Charities:

Expenses of board, twenty-one hundred dollars (\$2,100.00).

Board of Public Works:

Miami and Erie canal, keeping in repair, all of its earnings, except as below appropriated.

Northern Division Ohio canal, keeping in repair and improvement of, all of its earnings, except as below appropriated, its balance and twenty-five thousand dollars (\$25,000.00).

Southern Division Ohio canal, keeping in repair and improvement of, all of its earnings, except as below appropriated, its balance and twenty-five thousand dollars (\$25,000.00).

Hocking canal, keeping in repair, all of its earnings, balance, and fifteen hundred dollars (\$1,500.00).

Walhonding canal, all of its earnings and balance.

Contingent expenses, five hundred dollars (\$500.00).

Attorneys' fees, to be paid out of the earnings of the canal for which service is rendered, two thousand dollars (\$2,000.00).

Members' traveling expenses for each, to be paid according to law, equally, out of the earnings of each division, six hundred dollars (\$600.00).

Salary of secretary, to be paid out of the earnings of the Miami and Erie canal, fifteen hundred dollars (\$1,500.00).

For clerk hire, seven hundred dollars (\$700.00).

For furniture, two hundred dollars (\$200.00).

General appropriations.

To pay attorneys' fees and expenses in all actions and proceedings instituted and pending to recover canal lands, twenty-five hundred dollars (\$2,500.00).

Bureau of Statistics of Labor:

Clerk hire, fourteen hundred dollars (\$1,400.00).

Contingent expenses, sixteen hundred dollars (\$1,600.00).

Traveling expenses, four hundred dollars (\$400.00).

To open a window in the west end of the room occupied by the commissioner of labor statistics, two hundred and fifty dollars (\$250.00).

Canal Commission:

Salaries of members, thirty-six hundred dollars (\$3,600.00).

Expenses of commission, ten thousand dollars (\$10,000.00).

State Common School Commissioner:

Contingent expenses, one hundred and fifty dollars (\$150.00).

Traveling expenses, one hundred and seventy-two dollars (\$172.00).

Boxing and shipping, twenty-five dollars (\$25.00).

Carpets, one hundred and fifty dollars (\$150.00).

For per diem and expenses of state board of school examiners, four hundred and fifty dollars (\$450.00).

Commissioner of Railroads and Telegraphs:

Experts to examine bridges, one hundred and twenty-five dollars (\$125.00).

Furniture, painting and repairs, and type-writer, two hundred dollars (\$200.00).

Expenses outside, one hundred and fifty dollars (\$150.00).

Contingent expenses, three hundred and fifty dollars (\$350.00).

Executive Department:

Contingent expenses, newspapers and clerk hire, fifteen hundred dollars (\$1,500.00).

Stenographer, twelve hundred dollars (\$1,200.00).

Inspector of Mines:

Contingent expenses, twenty-eight hundred dollars (\$2,800.00).

Clerk hire, two hundred and eighty dollars (\$280.00).

Inspector of Workshops and Factories:

Traveling expenses of chief inspector, four hundred dollars (\$400.00).

Traveling expenses of district inspectors, eleven hundred dollars (\$1,100.00). General appropriations.

Contingent expenses, four hundred and fifty dollars (\$450.00).

Clerk hire, eight hundred dollars (\$800.00).

Furniture and repairs, fifty dollars (\$50.00).

Insurance Department:

Chief clerk, salary of, three hundred dollars (\$300.00).

Salary of mailing clerk, two hundred dollars (\$200.00).

Extra clerk, salary of, eight hundred dollars (\$800.00).

Salary of actuary, two hundred and fifty dollars (\$250.00).

Contingent expenses, twelve hundred dollars (\$1,200.00).

Law Library:

Books, eleven hundred dollars (\$1,100.00).

Telephone, sixty dollars (\$60.00).

Electric light for court consultation room, law library and hallway, three hundred dollars (\$300.00).

For furniture, cleaning and repairs, two hundred dollars (\$200.00).

Legislature:

For Frederick Blenkner, third assistant sergeant-at-arms of the house, for taking charge of the senate chamber and hall of the house and committee rooms after the adjournment of the general assembly in the spring of 1889, and taking care of the same until the meeting of the general assembly in January, 1890, and preparing the same for said meeting, and for taking care of the bill-books and other property of the members as requested by them, one thousand dollars (\$1,000), to be paid to him at the rate of four dollars (\$4.00) per day, on the warrant of the auditor of state. For an assistant for said Frederick Blenkner, in the performance of the foregoing duties, at the rate of two dollars per day, when by him necessarily employed, four hundred dollars (\$400), to be paid to said assistant on the warrant of the auditor of state (\$1,400.00).

Contingent expenses of clerk of senate, fifty dollars (\$50.00).

Contingent expenses of clerk of house, one hundred dollars (\$100.00).

For chief clerks of the senate and house of representatives, one thousand dollars each (\$1,000), for completing the record of the journals of the senate and house of representatives, for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant, from time to time, on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks

General appropriations.

to be correct, for such sum as may be therein designated, until the aforesaid sum of one thousand dollars to each shall have been fully paid (\$2,000.00).

Ohio Meteorological Bureau:

Expenses of, one thousand dollars (\$1,000.00).

Miami University:

Salaries, fifteen hundred dollars (\$1,500.00).

Grounds, two hundred dollars (\$200.00).

Library, three hundred dollars (\$300.00).

Repairs of buildings, five hundred dollars (\$500.00).

Salary of treasurer, three hundred dollars (\$300.00).

Apparatus, two hundred dollars (\$200.00).

Ohio Dairy and Food Commissioners:

Expenses of chief commissioner, three hundred dollars (\$300.00).

Expenses of assistant commissioners, seven hundred and seventy-five dollars (\$775.00).

Compensation of chemist, six hundred dollars (\$600.00).

Ohio Penitentiary:

Salaries of officers, nineteen thousand dollars (\$19,000.00).

Salaries of guards, fifty-six thousand dollars (\$56,000.00).

Current expenses, eighty-eight thousand five hundred dollars (\$88,500.00).

Expenses of execution, eight hundred and fifty dollars (\$850.00).

Horses and carriages, one thousand dollars (\$1,000.00).

Improvement of front yard, one hundred dollars (\$100.00).

Electric light, five hundred dollars (\$500.00).

Library, one hundred dollars (\$100.00).

Manufacture of gas, eighty-five hundred dollars (\$8,500.00).

Moral and religious instruction, two hundred dollars (\$200.00).

Repairs, fourteen thousand dollars (\$14,000.00).

Rewards, five thousand dollars (\$5,000.00).

Prosecution and transportation of convicts, eighty thousand dollars (\$80,000.00).

Sewerage and water-works, five thousand dollars (\$5,000.00).

Furniture, one hundred dollars (\$100.00).

Ohio University:

Trustees' expenses, one hundred and fifty dollars (\$150.00).

Current expenses and repairs, seven hundred dollars (\$700.00).

Library and reading-room, three hundred dollars (\$300.00). General appropriations.

Salaries of teachers, three thousand dollars (\$3,000.00).

Apparatus, two hundred dollars (\$200.00).

Improvement of grounds, three hundred dollars (\$300.00).

Ohio State University:

Ordinary repairs, two thousand dollars (\$2,000.00).

Expenses of trustees, five hundred dollars (\$500.00).

Fuel and care of buildings, two thousand dollars (\$2,000.00).

Improvement of campus, five hundred dollars (\$500.00).

Green-house, six hundred dollars (\$600.00).

Library, ten hundred dollars (\$1,000.00).

Salaries, ten thousand dollars (\$10,000.00).

Equipment school of mines, thirty-five hundred dollars (\$3,500.00).

Secretary of State:

Extra clerk hire, eight hundred and fifty dollars (\$850.00).

Distribution of books, fifteen hundred dollars (\$1,500.00).

Contingent expenses, one thousand dollars (\$1,000.00).

Printing paper, sixty-six hundred and eighty dollars and fourteen cents (\$6,680.14).

Stationery, four thousand dollars (\$4,000.00).

For completing statistical report of the ex-secretary of state, two hundred dollars (\$200.00).

State Library:

Books, magazines and newspapers, fourteen hundred dollars (\$1,400.00).

Contingent expenses, five hundred and fifty dollars (\$550.00).

Carpet and awnings, five hundred dollars (\$500.00).

Supervisor of Public Printing:

State printing, twenty-seven thousand six hundred dollars (\$27,600.00).

State binding, twenty-five thousand five hundred dollars (\$25,500.00).

Contingent expenses, one hundred and thirty dollars (\$130.00).

Building repairs, four hundred dollars (\$400.00).

Carpets, fifty dollars (\$50.00).

Clerk of Supreme Court:

Extra clerk, six hundred dollars (\$600.00).

Contingent expenses, two hundred dollars (\$200.00).

Type-writer, one hundred dollars (\$100.00).

Reporter of Supreme Court:

General appropriations.

Arranging office in supreme court room, thirty dollars (\$30.00).

Treasurer of State:

Contingent expenses, three hundred and twenty dollars (\$320.00).

Collecting auditor of state's drafts, thirteen hundred dollars (\$1,300.00).

Alarm telegraph, thirty-six dollars (\$36.00).

Telephone, fifty dollars (\$50.00).

Shelving and cases, four hundred dollars (\$400.00).

Athens Asylum for the Insane:

Current expenses, eighty-three thousand dollars (\$83,000).

Expenses of trustees, three hundred dollars (\$300.00).

Ordinary repairs, forty-eight hundred dollars (\$4,800.00).

Salary of officers, twenty-nine hundred dollars (\$2,900.00).

Painting, fifteen hundred dollars (\$1,500.00).

Carpets and furniture, twelve hundred dollars (\$1,200.00).

To change amusement hall and chapel ———.

Grading, eight hundred dollars (\$800.00).

Fencing, two hundred dollars (\$200.00).

Horses, carriages and wagons, eight hundred dollars (\$800.00).

Machinery for carpenters and engineers, eight hundred dollars (\$800.00).

Books and pictures, one hundred and fifty dollars (\$150.00).

Investigate electric light, one hundred and fifty dollars (\$150.00).

Cleveland Asylum for the Insane:

Current expenses, eighty thousand dollars (\$80,000.00).

Salary of officers, thirty-nine hundred dollars (\$3,900.00).

Ordinary repairs, three thousand dollars (\$3,000.00).

Books and pictures, two hundred dollars (\$200.00).

Trustees, two hundred and fifty dollars (\$250.00).

Horses, three hundred dollars (\$300.00).

Painting, eighteen hundred dollars (\$1,800.00).

Fences, five hundred dollars (\$500.00).

Carpets, one thousand dollars (\$1,000.00).

Range, eight hundred dollars (\$800.00).

New furniture, nine hundred dollars (\$900.00).

Change of steam pipes, thirty-five hundred dollars (\$3,500.00).

Water closets, fifteen hundred dollars (\$1,500.00).

For finishing and furnishing amusement hall building, seven thousand dollars (\$7,000.00). General appropriations.

For laundry furniture and equipment, twenty-five hundred dollars (\$2,500.00).

Columbus Asylum for the Insane:

Current expenses, one hundred and six thousand dollars (\$106,000.00).

Salary of officers, forty-three hundred dollars (\$4,300.00).

Ordinary repairs, sixty-five hundred dollars (\$6,500.00).

Expenses of trustees, two hundred dollars (\$200.00).

Library, two hundred dollars (\$200.00).

Furniture and bedding, five hundred dollars (\$500.00).

Grading, five hundred dollars (\$500.00).

Repair of gas works, four hundred dollars (\$400.00).

Carpets, eight hundred dollars (\$800.00).

Repair of boiler, two hundred dollars (\$200.00).

New water heater, six hundred and fifty dollars (\$650.00).

Fire protection, two hundred dollars (\$200.00).

Horses, harness and repairing carriage, seven hundred dollars (\$700.00).

New range, eight hundred dollars (\$800.00).

Repair of main sewer, two thousand dollars (\$2,000.00).

Fencing, five hundred dollars (\$500.00).

Painting wards, cornice and tower, ten hundred dollars (\$1,000.00).

New washing machines, eight hundred dollars (\$800.00).

For billiard tables, collar, cuff and shirt ironer, five hundred dollars (\$500.00).

Dayton Asylum for the Insane:

Current expenses, seventy thousand dollars (\$70,000.00).

Salary of officers, thirty-seven hundred and seventy-five dollars (\$3,775.00).

Ordinary repairs, thirty-five hundred dollars (\$3,500.00).

Expenses of trustees, three hundred dollars (\$300.00).

Books and pictures, one hundred and fifty dollars (\$150.00).

Carpets and furniture, one thousand dollars (\$1,000.00).

Painting, eight hundred dollars (\$800.00).

Horses and cows, six hundred dollars (\$600.00).

Rent of pasture, one hundred and sixty dollars (\$160.00).

Fencing, one hundred dollars (\$100.00).

New range, seven hundred dollars (\$700.00).

For purchase of land, proceeds of sale of fifty-acre tract, and six thousand dollars (\$6,000.00).

Longview Asylum:

General appro-
priations.

Current expenses, eighty-five thousand dollars (\$85,000.00).

This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the directors of said asylum upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amounts, and said appropriation shall discharge the state from all legal and equitable obligations to said institution for the year commencing February 15, 1889, and ending February 15, 1890.

Toledo Asylum for the Insane:

Current expenses, one hundred and ten thousand, two hundred dollars (\$110,200.00).

Salary of officers, forty-three hundred dollars (\$4,300.00).

Ordinary repairs, three thousand dollars (\$3,000.00).

Trustees' expenses, three hundred dollars (\$300.00).

Painting, fifteen hundred dollars (\$1,500.00).

Library, one hundred dollars (\$100.00).

Grading, trees and shrubbery, fifteen hundred dollars (\$1,500.00).

Root cellar, and storage room, one thousand dollars (\$1,000.00).

Repair shops and tools, two thousand dollars (\$2,000.00).

Fencing, three hundred dollars (\$300.00).

Furniture and furnishing, five hundred dollars (\$500.00).

Horses, wagons and harness, five hundred dollars (\$500.00).

Plastering, cementing basements, and changing air flues, thirty-five hundred dollars (\$3,500.00).

Roads and walks, three thousand dollars (\$3,000.00).

Additions to hospitals, eleven thousand dollars (\$11,000.00).

Addition to electric light plant, and feed water-heater, one thousand dollars (\$1,000.00).

Verandas for buildings, fifteen hundred dollars (\$1,500.00).

Natural gas connections for wards and cottages, fifteen hundred dollars (\$1,500.00).

Slaughter-house, four hundred dollars (\$400.00).

Boys' Industrial School:

Current expenses, twenty-six thousand dollars (\$26,000.00).

Salary of officers, seventeen thousand dollars (\$17,000.00).

Trustees' expenses, two hundred dollars (\$200.00).

Ordinary repairs, two thousand dollars (\$2,000.00).

Rewards, five hundred and fifty dollars (\$550.00).
 Books for boys' library, two hundred dollars (\$200.00).
 Grading roads, five hundred dollars (\$500.00).
 Furniture and carpets, eight hundred dollars (\$800.00).
 For finishing hospital, nine hundred dollars (\$900.00).
 Horses, six hundred dollars (\$600.00).
 Range for officers' kitchen, three hundred and fifty dollars (\$350.00).
 Coffee and tea urns, three hundred dollars (\$300.00).
 For painting, five hundred dollars (\$500.00).

Girls' Industrial Home:

Current expenses, eleven thousand dollars (\$11,000.00).
 Salaries of officers and teachers, thirteen thousand four hundred and sixty dollars (\$13,460.00).
 Trustees' expenses, three hundred dollars (\$300.00).
 Library, two hundred dollars (\$200.00).
 Telephone, two hundred dollars (\$200.00).
 Grading and improving grounds, one hundred and fifty dollars (\$150.00).
 Ordinary repairs, nine hundred dollars (\$900.00).
 Furniture and carpets, one thousand dollars (\$1,000.00).
 Purchase of horses, five hundred dollars (\$500.00).
 Purchase of cows, proceeds of sale of [old] cows, and four hundred dollars (\$400.00).

Blind Asylum:

Current expenses, twenty-nine thousand dollars (\$29,000.00).
 Salaries of officers and teachers, ten thousand dollars (\$10,000.00).
 Ordinary repairs, twelve hundred dollars (\$1,200.00).
 Books and school apparatus, seven hundred dollars (\$700.00).
 Carpets, bedding and furniture, one thousand dollars (\$1,000.00).
 Painting and varnishing, eight hundred dollars (\$800.00).
 Steam-pipe and heating apparatus, five hundred dollars (\$500.00).
 Trustees' expenses, six hundred dollars (\$600.00).
 Care of grounds, five hundred dollars (\$500.00).
 Repairing walls and repairing house and painting, two thousand dollars (\$2,000.00).
 Laundry machinery, fifteen hundred dollars (\$1,500.00).
 Repairing coal house and coping, two hundred dollars (\$200.00).
 New boilers, fifteen hundred dollars (\$1,500.00).

General appropriations.

For reconstruction of water-closets and new sinks in south wing of building, one thousand dollars (\$1,000.00).

Ohio Working Home for the Blind:

To pay liabilities existing prior to February 15, 1889, and balance to be used in maintenance of institution, five thousand dollars (\$5,000.00).

Deaf and Dumb Asylum:

Current expenses, forty-two thousand dollars (\$42,000.00).

Ordinary repairs, three thousand dollars (\$3,000.00).

Salaries of officers and teachers, eighteen thousand five hundred and thirty dollars and forty-eight cents (\$18,530.48).

Trustees' expenses, three hundred dollars (\$300.00).

Paints, oils and varnishes, seven hundred dollars (\$700.00).

Supplies for carpenter shop, one hundred and fifty dollars (\$150.00).

Supplies for shoe shop, eight hundred dollars (\$800.00).

Supplies for tailor shop, three hundred dollars (\$300.00).

Printing office supplies, one hundred and fifty dollars (\$150.00).

Lumber and nails for boxing, four hundred dollars (\$400.00).

Gas fixtures, one hundred dollars (\$100.00).

Flooring, five hundred dollars (\$500.00).

Pumps, three hundred and twenty-five dollars (\$325.00).

Carpets, two hundred and fifty dollars (\$250.00).

Breeching for boilers, to be paid out of appropriation for foreman of tailor shop, five hundred dollars (\$500.00).

Furniture, two hundred and fifty dollars (\$250.00).

Institution for Feeble-Minded Youth:

Current expenses, eighty-one thousand four hundred and twelve dollars and ninety-five cents (\$81,412.95).

Repairs, five thousand dollars (\$5,000.00).

Salary of officers and teachers, eleven thousand dollars (\$11,000.00).

Expenses of trustees, five hundred dollars (\$500.00).

For building outside stairway on new buildings, five hundred dollars (\$500.00).

Ohio Soldiers' and Sailors' Home:

Current expenses, twenty-nine thousand and seventy-one dollars (\$29,071.00), and whatever amount may be paid to the state by the United States government, under act of congress of August 27, 1888.

Salaries of officers, nine thousand four hundred dollars (\$9,400.00).

Expenses of members of board, three hundred dollars (\$300.00). General appropriations.

To furnish buildings now under contract, sixteen thousand dollars (\$16,000.00).

For clothing, six thousand six hundred dollars (\$6,600.00).

For building stable, three thousand dollars (\$3,000.00).

Improvement of grounds, and purchase of not to exceed four acres of land, four thousand dollars (\$4,000.00).

Horses, wagons, carriages, etc., one thousand dollars (\$1,000.00).

For work shops, four thousand dollars (\$4,000.00).

To complete existing contracts on cottages, etc., as per statement filed with auditor of state and marked "Exhibit B," forty-one thousand three hundred and sixty-two dollars and forty-one cents (\$41,362.41).

To pay for extras on buildings, for plumbing, gas fitting, steam heating, hose, hose cart and ladder, laundry machinery, apparatus for hospital and administration building, ten thousand four hundred and fifteen dollars (\$10,415.00).

For fees of architect, and salary of superintendent of construction, eighteen hundred dollars (\$1,800.00).

For cottages for surgeon and quartermaster of soldiers' and sailors' home, thirty hundred dollars (\$3,000.00).

Ohio Soldiers' and Sailors' Orphans' Home:

Current expenses, ninety-two thousand dollars (\$92,000.00).

Salaries of officers, matrons and teachers, seventeen thousand five hundred dollars (\$17,500).

Industrial pursuits, three thousand dollars (\$3,000.00).

Ordinary repairs, three thousand dollars (\$3,000.00).

Trustees' expenses, two hundred and fifty dollars (\$250.00).

Net earnings, twelve hundred dollars (\$1,200.00).

Library, two hundred dollars (\$200.00).

Support of orphans and children of indigent soldiers outside, twenty-five thousand dollars (\$25,000.00).

Board walks, fifty dollars (\$50.00).

Furniture and carpets, five hundred dollars (\$500.00).

Visiting county homes, twenty-five dollars (\$25.00).

Salaries of foremen, thirty-nine hundred and sixty dollars (\$3,960.00).

Purchase of horses, four hundred and fifty dollars (\$450.00).

Grading, graveling and planting trees, five hundred dollars (\$500.00).

For copper, coffee and tea urns, three hundred dollars (\$300.00).

For fencing, three hundred dollars (\$300.00).

Closets for new cottages, five hundred dollars (\$500.00).

General appropriations.

New school building, including heating and lighting, fifteen thousand dollars (\$15,000.00).

For enlarging and repairing chapel, four thousand dollars (\$4,000.00).

For stable, fifteen hundred dollars (\$1,500.00).

Fish and Game Commission:

Fish propagation, and prosecution of violators of fish and game laws, thirty-five hundred dollars (\$3,500.00).

For fish propagation, and prosecution of violators of fish and game laws, and for surveying and platting fishing territory in Lake Erie, to be paid out of the revenues derived from the tax on nets, four thousand dollars (\$4,000.00).

Miscellaneous:

State forestry bureau, ten hundred dollars (\$1,000.00).

Horticultural society; promotion of horticulture, pomology, etc., ten hundred dollars (\$1,000.00).

Board of live stock commission; expense of live stock commission, twelve hundred and sixty dollars, less balance (\$1,260.00).

State board of health; general expenses of board, four thousand dollars (\$4,000.00).

Prosecution of war claims vs. general government, fifteen hundred dollars (\$1,500.00).

Ohio river commission, two hundred dollars (\$200.00).

Wilberforce university; for combined normal and industrial department, four thousand dollars (\$4,000.00).

Intermediate Penitentiary:

For necessary work and material for, and putting roof on administration building, protecting work already done, etc, forty-five thousand dollars (\$45,000.00).

SECTION 2. The moneys appropriated in the last preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1889, except the Ohio working home for the blind and the sum of eight thousand dollars of the appropriation made herein for Longview asylum, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. In addition to the several appropriations made for the institutions for the insane, blind, deaf and dumb, and feeble-minded youth, the girls' industrial home, the boys' industrial school, and soldiers' and sailors' orphans' home, and soldiers' and sailors' home, there is hereby appropriated for the use of said institutions any moneys received from sources other than the state treasury by their respective financial officers, which moneys shall be credited to the current expense funds of said institutions respectively.

SECTION 4. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations made for contingent expenses; no bills for horses or cows, carriages or wagons, carpets or furniture or any expenses for officers attending state, inter-state or national associations of benevolent institutions shall be paid out of appropriations made for the current expenses of said institutions; and no money herein appropriated shall be drawn, except on a requisition on the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth the service rendered or the material furnished and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

General appropriations.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1232.]

AN ACT

To amend section 6968 of the Revised Statutes, as amended April 14, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6968 of the Revised Statutes of Ohio, as amended April 14, 1888, be so amended as to read as follows:

Unlawful catching and killing of fish.

Sec. 6968. No person shall draw, set, place, locate or maintain any pound net, seine, trap or fish net, in Lake Erie, nor in Sandusky bay, nor in Maumee bay, as far up as Maumee bridge, nor in Portage bay, as far up as Oak Harbor bridge, from the fifteenth day of June to the tenth day of September, inclusive. No person shall set, place, locate or maintain, or catch fish with a gill net in any of the waters of the state, except in Lake Erie, and there only in water over sixty feet in depth. No person shall set, place, locate or maintain any fish net on any of the reefs in Lake Erie. No person shall set, place, locate or maintain in Lake Erie any portable fish net within five hundred feet of any stationary fish net, or lead thereof. No person shall set, place, locate or maintain any net whatever, within one-half mile of the mouth of any river or creek flowing into Lake Erie. No person shall catch fish in Mercer county reservoir between the twentieth day of May and the twentieth [day] of July, inclusive; or in the Licking or Lewistown reservoirs between the first day of June and the first day of October, inclusive, with any device except hook and line, with bait or lure; and in the

Unlawful
catching and
killing of fish

season in which net fishing is permitted in the said Mer county, Licking and Lewistown reservoirs, the net known as fyke net or set net only shall be used, and with hoop or mouth of not over six feet in its greatest width and with wings or leads of not over fifty feet in length, provided, that the fyke nets or set nets used in Licking reservoir shall not have wings or leads, and no nets shall be set, placed, located or maintained nearer to each other than fifty feet, measuring from the end of one lead to that of another. No person shall, in any of the waters, either natural or artificial, lying in the state of Ohio, or part therein, shoot or spear fish. No person shall draw, set, place, locate or maintain or catch fish with a device called a trammel net or with fyke net or set net, except as heretofore stated. No person shall, in any of the waters of the state, except those heretofore named in this section, catch fish with any device whatever, except hook and line, with bait or lure. No person shall catch or kill, with any device whatever, in any of the streams of the state, the fish commonly known as black bass, from the first day of May, until the fifteenth day of June, inclusive, except in streams flowing into Lake Erie. No person shall draw, set, place, locate or maintain, any fish trap, pound net, seine, or any device for catching fish as in this section forbidden; and any nets, seines, pound nets or other devices for catching fish, set, placed, located or maintained in violation of the provisions of this section, shall be confiscated wherever found, and the same shall be sold to the highest bidder, at public outcry, at a place to be selected by the fish commissioners, and the proceeds derived from such sale shall be placed to the credit of the fish and game fund, and subject to the warrant of such commissioners. No person shall catch or have in his possession a black bass of less than eight inches in length, buy, sell, offer for sale, or have in his possession any fish caught out of season, or in [any] manner prohibited; provided, that nothing in this act shall prevent the taking of minnows for bait, with nets, or shall prevent the fish and game commissioners of this state, or their agents, from taking fish at any time or place in any manner, for the purpose of stocking ponds, lakes and rivers, and for the maintenance and cultivation of fish hatcheries. Any person convicted of a violation of any of the provisions of this act, shall be fined for the first offense not less than twenty-five dollars nor more than one hundred dollars, and in case of neglect or refusal to pay said fine, shall be imprisoned in the county jail not less than thirty days; and for the second or any subsequent violation of this act, shall be fined not less than fifty dollars nor more than five hundred dollars, and in default of payment of fine and costs shall be imprisoned in the county jail not less than sixty days; and all fines collected under this act shall go to the county fish and game fund in the county wherein the offense was committed, unless otherwise directed and ordered by the fish and game commissioners of this state. And it is hereby made the duty of the wardens and assistant wardens of this state, to prosecute all violations of this act in connection with the prosecuting attorneys of the counties wherein such offenses

shall have [been] committed, and such prosecuting attorney shall be entitled to the same fees as are now allowed by law for the collection of forfeited bonds. Provided, that nothing in this act shall apply to artificial fish ponds, nor to private marsh lands included in original survey of the general government.

SECTION 2. That said original section 6968 be and the same is hereby repealed.

SECTION 3. This act shall be in force from and after May twenty-first next following its passage.

ELBERT L. LAMFSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1256.]

AN ACT

To amend sections one (1) and eight (8) of an act entitled "an act to provide for the improvement of streets and alleys in cities of the first grade of the second class," passed May 11, 1886, and to extend its provisions to villages and cities having a population of 4633 at the census of 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one (1) and eight (8) of the foregoing entitled act be amended so as to read as follows:

Sec. 1. That in cities of the first grade, and in villages and cities having a population of 4633 at the census of 1880, of the second class, the city councils of any such cities shall have authority to cause any of the streets or avenues, or parts thereof, of said cities to be paved with granite or other stone block, asphalt or other permanent material, and the alleys thereof, or any part thereof, with cobble stones or boulders, and whenever needed in connection therewith to curb and gutter said streets, avenues or alleys, and to ordain that said improvements shall be paid for and assessed upon the property abutting on the same in accordance with the various provisions of this supplement, and in accordance with the various provisions of law now enacted or hereafter enacted applicable thereto and not inconsistent with this act.

Sec. 8. When such ordinance is enacted, the councils of such cities of the first grade and in villages and cities having a population of 4633 at the census of 1880, of the second class, may designate two or more owners of property abutting on said improvement, who, with the city civil engineer, shall constitute a board, which, after the contract for improvement has been made by the council under section 2303, may elect a superintendent, who shall see that the said contract is performed according to its true intent and meaning, and all

Improvement
of streets and
alleys in cer-
tain cities and
villages.

orders of the engineer in furtherance thereof are obeyed. When completed the said superintendent and engineer shall certify to the same, and shall make a proper plat and assessment for said improvement on the abutting property. The property owners on such board shall serve without compensation, but the superintendent shall be paid such compensation as shall be agreed upon by said board, and such payment shall be a part of the cost of said improvement.

SECTION 2. That said original sections one (1) and eight (8) of said original act be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1296.]

AN ACT

To prevent the making, printing, posting, or exhibiting any indecent, immoral or lascivious picture or representation of any part of the human form, or giving any indecent or immoral exhibition of the same.

To prevent the
publication of
immoral
pictures.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person or persons to make, print, post, publish, exhibit or suffer the same to be done, in, or upon his or her premises, any indecent, immoral or lascivious picture, except the printing and publishing be for medical and scientific purposes.

Immoral exhibi-
tions.

SECTION 2. That it shall be unlawful for any person or persons to give, or participate in giving any indecent, immoral or lascivious exhibition of any part of the human form.

Penalty.

SECTION 3. Any person, on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not to exceed five hundred dollars, or be imprisoned in the work-house at hard labor, or in the county jail, not to exceed thirty days, or both, at the discretion of the court.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1411.]

AN ACT

Relating to certain proposed amendments to the constitution and the publication thereof.

WHEREAS, The general assembly of the state of Ohio (three-fifths of the members elected to each house agreeing thereto), have proposed an amendment to the constitution, and may propose other amendments, to be submitted to the electors for their approval or rejection at the election for senators and representatives in the general assembly on the first Tuesday after the first Monday of November, 1889; therefore,

Preamble relating to proposed constitutional amendments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the electors of this state shall vote upon said proposed amendment, or amendments, at the general election in November, A. D. 1889, in the manner and form as prescribed therein.

When to be voted on.

SECTION 2. The judges and clerks of the election in each township, ward and precinct shall, in addition to the returns provided by law, and at the same time, make return to the clerk of the county of the vote cast for and against said proposed amendments, respectively.

Election returns.

SECTION 3. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against said proposed amendment or amendments to the constitution, shall be certified and made by the clerk of each county to the secretary of the state within ten days after said election; and within twenty days after said election, the governor, secretary of state and attorney-general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay.

Returns to be made to secretary of state; canvass thereof, governor's proclamation.

SECTION 4. The secretary of state shall cause the amendments to the constitution proposed at the present session of the general assembly, to be published once each week in not less than one newspaper in each county of the state wherein a newspaper is published, once each week for six months, and until the first Tuesday after the first Monday of November, 1889, and in counties where newspapers represent each of the two leading political parties, then such amendments shall be published in one newspaper of each political party once each week for six months, and until said first Tuesday after the first Monday of November, 1889, and in counties having a German newspaper of general circulation, once a week in a German newspaper for said time; and in counties having two German newspapers of opposite politics, of general circulation

Publication of proposed amendments.

in the county, it shall be published in each of such German newspapers.

Charge for
publication.

SECTION 5. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six (4366) of the Revised Statutes for legal advertising. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make legal measurement of the matter published.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1503.]

AN ACT

Making appropriations for legislative purposes.

Appropriation
for legislative
expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, the following sums, for the purposes hereinafter specified, to-wit:

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms, and employes, while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45, of the Revised Statutes, twenty-five thousand dollars (\$25,000.00).

House contingent fund, twelve hundred dollars (\$1,200.00).

Senate contingent fund, nine hundred dollars (\$900.00).

And to pay for new water-closets, etc., in the senate chamber, in accordance with the provisions of senate resolution No. 130, sixteen hundred dollars (\$1,600.00).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1495.]

AN ACT

To authorize the city council of any city of the second class and fourth grade, which, by the federal census of 1880, had a population of not less than 6,893 and not more than 6,898, to borrow money and issue bonds therefor, for the purpose of sinking wells for natural gas or oil, and buying and laying pipes, and supplying said city and the citizens thereof with natural gas or oil for public and private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class and fourth grade, which by the federal census of 1880 had a population of not less than 6,893 and not more than 6898, be and it hereby is authorized to issue its bonds for an amount not exceeding fifteen thousand dollars, for the purpose of procuring territory, sinking wells for natural gas and oil, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery to supply such city and the citizens thereof with natural gas and oil for public and private use and consumption.

Authorizing certain cities second class, fourth grade, to issue bonds for natural gas purposes.

SECTION 2. Before any such bonds shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such city, at a special election, to be held at such time as the council of said city shall appoint. The tickets voted shall have printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds of those voting upon the proposition, the council shall have authority to issue said bonds for the purpose named, as provided in this act.

Question to be submitted to vote.

SECTION 3. The council of said city shall publish notice of the submission of such question in two newspapers published in said city, for at least ten days prior to such election; and said election shall be held in all respects as municipal elections are now required to be held by law in said city.

Notice.

SECTION 4. Such bonds shall be issued by the council of such city in denominations not less than one hundred or more than one thousand dollars, payable in such times, not exceeding twenty years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine; they shall express upon their face the purpose for which, and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the city, and shall not be sold for less than their face value.

Bonds; denominations.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for, and required by the actual and necessary cost and expense of procuring territory, sinking such number of wells as may be required for the purpose named, the purchase and laying of pipes and other necessary expenses; they shall be sold from time to time as the work progresses,

Limitations

and in such amounts as shall be required and made necessary by the progress and for the proper completion of the works; and all proceeds and moneys arising from such bonds shall be used exclusively for and applied to the payment of the work, labor, material, and other expenses necessary for the supply of gas and oil for the purpose aforesaid.

Levy of tax.

SECTION 6. The council of such city is hereby authorized to levy a tax annually, not exceeding one mill, on the taxable property within said city, in addition to the tax now by law authorized to be levied, in such amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual extinguishment of such bonds.

Mayor to appoint supervisory committee

SECTION 7. Any such city availing itself of the provisions of this act, the mayor shall, with the advice and consent of the council, appoint five judicious persons, residents and freeholders of said city, who shall have the supervision of the sinking of wells, laying pipes, purchasing machinery and material, and making contracts, under the direction of the council, as may be provided by ordinance.

SECTION 8. This act shall be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1469.]

AN ACT

To create township supervisors in certain counties, and to require the letting of certain portions of road work by contract.

Creating the office of township supervisor in certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties in this state having a population at the last federal census of 16,326 (Lake), 14,255 (Geauga), or may have such population at a future federal census, there shall be elected on the first Monday in April, A. D. 1890, and biennially thereafter, one supervisor in each township, who shall hold his office for two years, and until his successor is elected and qualified, and each township, exclusive of such part as may be within a municipal corporation, shall constitute a road district; provided, that in townships having two or more voting precincts, there shall be elected one supervisor for each precinct, and each precinct shall constitute a road district, and where the election is in common with a municipal corporation the vote for supervisor shall be taken in a separate ballot-box, furnished by the township trustees for such purpose, and only those electors shall be entitled to vote who reside within the proposed road district. Each supervisor,

within five days after his election, shall take an oath or affirmation to faithfully, honestly and impartially discharge all the duties of his office, and shall enter into bonds, [payable] to the state of Ohio, in trust for the township, in the penal sum of not less than five hundred dollars, with surety to be approved by the township trustees, conditioned to fulfill the requirements of said oath, or affirmation, said bonds to be recorded by the township clerk, and when forfeited in whole or in part, to be collected with the costs, by the trustees in a civil action, and moneys so collected shall go into the road fund of the township, to be expended as other road moneys.

SECTION 2. If the supervisor of any road district shall, by willful neglect of duty or malfeasance in office, forfeit his bond or any part thereof, or shall prove incompetent to properly fulfill the duties of the office, he may be removed by the township trustees, and it shall be the duty of the trustees, on proof of such neglect, malfeasance or incompetence in a suit brought before a justice of the peace of the township, to declare the office vacant; and in case of vacancy in the office by any cause, the trustees in the district where such vacancy occurs, shall appoint a suitable person to fill the same for the unexpired term, and the person so appointed shall, before entering upon his duties, take an oath or affirmation, give bonds, and be under the same restrictions and penalties provided for in this act.

May be removed for neglect or malfeasance.

SECTION 3. The duties of supervisor shall be as follows: To open, or to cause to be opened, all public roads and highways which shall be laid out and established in his district, and to maintain the proper legal width and location of the same; to keep the same in good repair and make, from time to time, such permanent improvements by grading, draining, graveling or macadamizing, as the tax for road purposes will warrant; to remove or cause to be removed forthwith, all obstructions that may be found thereon; to complete the work of grading and ordinary repairs between the first day of April and twentieth day of June of each year, and to complete within a reasonable time after having been commenced, all repairs and improvements in a smooth and workmanlike manner, and in good condition for all kinds of public travel, and to grade, or cause to be graded and leveled off, the earth and gravel that may be scraped, shoveled or hauled into any public road under his direction or charge at the time such work is performed; and within the month of July and August of each year, to cut down or cause to be cut down and destroyed, all weeds, burs, bushes and briars growing in the public highways within his jurisdiction. But no supervisor shall cut down or molest any of the shade trees growing upon the highways, unless so ordered by the township trustees.

Duties.

SECTION 4. Supervisors shall cause to be erected and kept in repair at the principal forks and cross roads within their respective districts, leading to some village, depot or other important place, a post and guide board, containing a legible inscription directing the way and naming the distance to the village or public place or places situate on each of such roads, and shall provide and maintain, where feasible and

Guide boards

desirable, suitable watering troughs and places for procuring water for persons and animals on the public highways; and shall remove or cause to be removed, timber or drift lodged against bridges or abutments of the same, in a manner to endanger or damage the structure, but it shall not apply to toll bridges, or bridges upon toll roads.

When supervisor shall order out persons liable to perform labor

SECTION 5. Supervisors shall order out or cause to be ordered out, annually, between the first day of April and the first day of July, every person liable to perform the two days' labor in his district, to do and perform such labor upon the public highways, but no person shall be required to perform such labor at a distance of more than one and one-half miles from his place of residence, and for the above purpose the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards.

Portions of work may be let by contract.

SECTION 6. Supervisors shall let by contract under written specifications such portions of the public roads for ordinary repairs or for grading, underdraining, graveling or macadamizing, as the trustees shall direct; and the work of ordinary repairs shall be done between the first day of April and the twentieth day of June of each year, except scraping the roads, which may be done at any time when it shall be deemed necessary by the supervisor or trustees, but before letting any contract for grading, underdraining, graveling or macadamizing, any one job of which will, in his judgment, exceed in cost the sum of fifty dollars, he shall make careful estimate of the cost, to be approved by at least two of the township trustees; and if necessary for this purpose, he may employ a competent engineer, and shall advertise the letting of the work at least twenty days, specifying the width, height, and pitch of grade, depth and width of gravel or stone to be applied, and other necessary particulars and specifications, and let the same to the lowest responsible bidder, taking from him a bond in a sum fixed by them payable to the state, with good sureties for the performance of the work within a time therein specified, and in accordance with full written specifications, a copy of which bond and specifications shall be filed with the township clerk, but no bid shall be accepted which exceeds the estimated cost, and the supervisor may reject any or all bids, and it may be a condition of the contract that persons owing the two days' labor, and whose names are specified therein, may work out the same under the direction of the contractor, such work to be received and accounted for as a part in payment of the contract price. And it also shall be a condition of the contract that persons that pay a road tax or assessment of property and who may live within one and one-half miles of where the work is to be performed, shall have preference in the employment of labor to complete the contract, such work to be performed at a time agreed upon by the contractor and at the same rate per day as the contractor pays in cash for similar labor on any such contract, but all such contracts shall be submitted to the township trustees and approved by them.

Bond.

SECTION 7. Supervisors shall expend the money collected by them, in lieu of the two days' labor for the benefit of the

roads in their respective districts, and shall keep an itemized account in a book of record, to be furnished by the trustees and given over to their successors in office, of all moneys received and paid out by them, and shall report to the trustees of their townships at the annual settlement on the first Monday in March, a detailed statement of their official transactions, including the amount of labor and by whom performed, when and where expended, time and date of their own services, and they shall return a full and true list of the names of all persons within their respective districts who have been ordered out to perform the two days' labor, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this chapter shall be paid by the justice of the peace or constable collecting the same, into the township road fund, and supervisors shall also render an account to the trustees at the annual settlement, of all moneys that remain in their hands at the time of settlement, and all judgments that remain unpaid, with the names of the judgment debtors and the justice before whom such judgments were obtained, with the amount of each, and the trustees shall make such order as to the prosecution of suits by the supervisor against such delinquent as in the judgment of the trustees the interests of the township may require.

Accounts to be kept by supervisor.

SECTION 8. All money that may remain in the hands of the supervisor at the expiration of his term of office, shall be paid over to his successor, with a full statement of his official transactions from and after the time of his annual settlement with the township trustees, as soon as such successor shall be elected and qualified, taking a receipt therefor, said receipt to be deposited with the township clerk, and said statement shall be made a part of the account rendered by his successor at the next annual settlement with the township trustees, and any supervisor may sue out executions on any judgments that remain unpaid, at any time when, in his opinion, the same can be collected.

When funds to be turned over to successor.

SECTION 9. The trustees, treasurer and supervisor of roads shall meet annually on the first Monday of March, at the place of holding township meetings, and the trustees shall proceed to examine the itemized account of the treasurer and supervisor, and settle the same and all other claims against the township not before settled.

Examination of accounts of treasurer and supervisor by trustees.

SECTION 10. It shall be the duty of the trustees to purchase improved implements for road making in sufficient quantity for the use of the township, and the same shall be used exclusively for that purpose, and the cost, on their order, shall be paid out of any money in the township treasury not otherwise appropriated, and should there be a lack of funds the trustees may levy an additional tax for that purpose, not to exceed one hundred dollars in any one year, and such improved implements shall be for the use of contractors and supervisors in the making and repairing roads within the township, and the supervisor shall be held responsible for the good usage of the same, and shall take care of them and preserve them when they are not in use.

Tools and implements to be purchased by trustees.

Sidewalks and
foot bridges.

SECTION 11. Supervisors, when authorized by the trustees, shall grade sidewalks, and when deemed necessary, to construct foot bridges over streams of water on the line of roads in their districts, and any portion of the two days' labor may be used for this purpose.

Compensation
of supervisors.

SECTION 12. Supervisors shall be entitled to a per diem not to exceed two dollars for each day actually employed, the same to be paid on the order of the trustees out of the road or township fund, and they shall not exceed in expenditures for road purposes in any one year the amount of road fund for that year, except in cases of unforeseen damage by flood or otherwise.

Levy by trustees.

SECTION 13. The township trustees shall, in addition to the two days' labor, determine a per centum to be levied for road purposes upon each dollar of valuation of the taxable property of their respective townships, exclusive of any incorporated village, as follows: In townships having a valuation of taxable property of one million dollars and over, not exceeding three mills on each dollar; in townships having a valuation of less than one million and more than five hundred thousand dollars, any rate not exceeding four mills on each dollar; and in townships having less than five hundred thousand dollars valuation, any rate not exceeding five mills on each dollar; and said trustees shall certify the same to the county auditor in writing on or before the 15th day of May of each year; and the county auditor shall assess the same on all the taxable property in said township road district, and the same shall be collected, one-half in the December installment and one-half in the June installment by the county treasurer, and paid over to [by] him by [to] the treasurer of the township from which said taxes were collected, the same to be expended for the improvement of roads in the township road districts where collected; and said trustees shall annually set apart such portion of the road tax as they deem best in payment of contracts for permanent improvement of the roads by draining, grading, graveling, or macadamizing.

SECTION 14. This act shall take effect and be in force on the first Monday of April after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1455.]

AN ACT

To authorize cities of the second grade of the second class to issue bonds for the purpose of providing a city building.

Cities second
grade, second
class, authorized to issue
bonds for erect-
ing public
buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the second grade of the second class shall be and is hereby authorized to issue bonds of such city, in an amount not exceeding one hundred

thousand dollars, for the purpose of providing a fund with which to purchase the necessary real estate and to build thereon a city prison, mayor's court room and other necessary city offices, which bonds shall be sold according to law; the money arising from the sale of such bonds to be paid into the city treasury and placed to the credit of the city building fund, to be expended for the purpose designated in this act and no other. Said bonds shall be of such denomination as the city council of such city may deem best, in any sum not in excess of the amount hereinbefore named, and for a length of time not exceeding twenty years, and at a rate of interest not exceeding five per cent. per annum, payable semi-annually; said bonds shall not be sold for less than their par value, and the proceeds thereof, together with such premiums as may be derived therefrom, shall be applied to no other purpose than the purpose herein mentioned; said bonds shall be signed by the mayor and clerk of said city, and be sealed with the seal of the corporation.

Denomination

SECTION 2. The council of any such city is hereby authorized to levy an annual tax not in excess of five-tenths of one mill on the general duplicate of such city, in addition to the other taxes heretofore authorized to be levied or hereafter to be levied, for the redemption of said bonds and the payment of the interest thereon until the said bonds and the interest thereon are paid and said bonds redeemed as the same may become due.

Levy of tax.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 369.]

AN ACT

To provide for the appointment of distributors of ballots, the printing of ballots, and the distribution thereof at polling places, of cities of the second grade in the first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second grade of the first class, the board of elections appointed and constituted therein, pursuant to section 2926 of the Revised Statutes, as amended, and the section supplementary thereto, shall, on or before the first day of October of each year, after the passage of this act, appoint for each and every election precinct in any such city two electors, to serve as distributors of ballots at all public elections held therein.

Providing for
the distribu-
tion of ballots
at elections.

Said distributors of ballots shall hold their office for the period of one year from the date of their appointment, unless

sooner removed by said board, and must be electors of such city, and able to read and speak the English language fluently and understandingly, and write it readily and fairly, and each shall take an oath of office before entering on the duties thereof to the effect that he is a citizen of the United States and of the state of Ohio, and an elector of such city, and will support the constitution of the United States and of the state of Ohio, and will faithfully discharge the duties of the office of distributor of ballots, and will use his utmost endeavors to secure fair and honest elections in such city, and will not disclose to any person how any elector has voted.

Qualification
of distributors

All persons selected by said board of elections for said office, shall appear before said board at their office after twenty-four hours' notice, either served on them personally or left at their usual place of residence, for examination as to their qualifications, before entering upon the duties of their office. Any elector of such city so selected, who shall fail to appear before said board, as required by law, or who shall refuse or neglect to serve or take and subscribe the oath of office, shall, unless for sufficient cause be excused by said board, upon conviction in any police court or before any justice of the peace in such city, be fined in any sum not more than one hundred dollars (\$100) nor less than twenty-five (\$25), or imprisoned not to exceed fifteen days, or both fined and imprisoned, in the discretion of the court.

Appointments
to be non-par-
tisan.

The said distributors of ballots for any precinct in such city shall not belong to the same political party. All appointments of such officers for every precinct shall be made so as in good faith to secure equal representation of political parties, so far as practicable. Any vacancy in the office of distributor of ballots shall be filled by said board, and any of such officers may be summarily removed from office by said board at any time for incompetency, ineligibility, neglect of duty, malfeasance or misconduct therein. In all cases the last appointment by said board to such office for any precinct shall be recognized as valid.

Whoever shall be appointed as such distributor of ballots, shall receive from the board of elections a certificate of appointment, which may be revoked at any time by said board; said certificate to be in such form as may be prescribed by said board, and to specify the precinct and ward of such city in and for which the person to whom the same is issued is appointed to serve, the date of appointment, and the expiration of his term of office.

Distributors of ballots, during the time they hold such certificate of appointment, shall be exempt from the performance of military and jury duty.

May be re-
moved; when.

If any distributor of ballots fails to attend at the opening of the polls in any precinct on the day of any public election, or shall, during the election, from any cause, become disabled or unfit to act in distributing ballots, the judges of the election, or a majority of them, may summarily remove him, and the judge or judges of the same political party as such distributor of ballots shall forthwith appoint another competent elector

of such city to serve in his place, and one of the judges shall administer to him the oath of office above prescribed.

Notice in writing of such appointment of distributor of ballots shall immediately be sent by the judges making the same to the board of elections, and such person so appointed shall not perform any of the duties of his office until the notice has been sent to the said board. The person so appointed to act temporarily as distributor of ballots shall perform the duties of the office after the sending of said notice, until the board shall confirm his appointment or appoint another for said office. Immediately upon the removal of such distributor of ballots and filling the vacancy as above provided, a brief note of the proceedings shall be entered in the poll-books and subscribed by the judges so acting, and specially stating the cause of such removal.

SECTION 2. The board of elections of any such city shall provide the necessary and suitable booths, boxes, or places, with all proper appliances from which election ballots or tickets can be distributed for each and every election precinct in such city, and shall cause the same to be erected or prepared in close proximity to each and every polling place in such city before the day of every public election held therein, and shall have the same taken down and properly stored and cared for after such election is over.

How ballots
distributed.

Whenever requested in writing by the chairman or secretary of any political organization casting at the last preceding election in such city more than five hundred votes, and presented to said board of elections at least five days before the November election, or at least three days before any other public election to be held in such city, and accompanied by a full and accurate statement of the names of the candidates presented by such political organization for the suffrages of the electors of such city for such election, the said board shall cause the required number of ballots for such political organization to be printed in legal form, and properly distributed at each and every polling place where required, at the sole expense of such city.

Said board shall cause all other legal ballots or tickets which shall be presented to them at their office at least one day before any public election, to be properly distributed at each and every polling place in such city where required; and all legal ballots or tickets presented to the distributors of ballots on the day of any public election shall be distributed by them at the request of any elector of such city.

SECTION 3. The distributors of ballots for each and every precinct in such city shall present themselves at the office of the board of elections of such city on the day preceding any public election held therein, and procure the necessary ballots furnished by said board for their respective precincts, and shall be with such ballots at their respective polling places before the hour of six o'clock on the morning of such election, and shall remain there on duty until after the close of the polls in their precinct.

Duties of dis-
tributors of
ballots.

They shall furnish to every elector requesting the same,

such ballot or ballots as they shall have for distribution, and assist every elector requesting their assistance in scratching or preparing his ballot for use in voting. They shall disclose to no person the party or candidate for whom any elector will or did vote, and shall keep inviolate any information that comes to them or either of them, by reason of performing the duties of their office. While exercising the duties of their office they shall have full power and authority, and are hereby required to keep the peace and good order at and about the place of holding the election, and to enforce obedience to their lawful commands. They shall especially keep the access to the places for procuring and casting ballots open and unobstructed, prevent and suppress any and all riot, violence, tumult and disorder, and also any and all improper practices or attempts tending to obstruct or intimidate electors from a free exercise of their untrammelled right to vote, or tending to disturb or interfere with the free and peaceful procuring and casting of ballots.

And they shall, at all hazards, be bound to preserve and secure the ballots, booth, registers, lists of electors, poll-books and ballot box at every election from destruction, violence, fraud or tampering, and shall preserve and protect all ballots given to them for distribution, and prevent their needless waste and destruction.

In the discharge of their duties they may, if deemed necessary by them, or either of them, appoint and require any elector or electors to aid them in making known their orders and directions, and in enforcing the peace, and they may arrest or order the arrest of any person violating this or the succeeding section of this act; but such arrest shall not prevent such person from voting if he is entitled so to do.

Loitering
within one
hundred feet
of polls pro-
hibited.

SECTION 4. During the receiving and counting of the ballots at any public election in any such city, no person or persons shall congregate or loiter within one hundred feet of the polling place, or in any manner hinder or delay any elector in reaching or leaving the booth or place provided for containing and distributing ballots, or the place fixed for casting the same, or within such distance of one hundred feet, exhibit any ballot or ticket which he has in his possession, or intends to cast, to any person other than an official distributor of ballots, or a judge of the election, or solicit, or in any way attempt to influence any elector in casting his vote; and no person shall, except an official distributor of ballots in such city, during the time of receiving votes, peddle, distribute, give, tender or exhibit any election ballot or ticket to any person whatsoever, with intent to have such person vote the same.

Compensation
of distributors.

SECTION 5. Said distributors of ballots shall each be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county; but no distributor of ballots shall be entitled to the compensation so fixed, except upon the allowance and order of the board of elections, made at a session of said board, certifying that each has fully performed his duty according to law, and signed by

the president and secretary of the board. The lawful compensation of the distributors of ballots appointed by said board, and the necessary expense of furnishing booths, boxes or places from which to distribute ballots, and the expense of printing and furnishing the ballots provided for by this act, together with all other necessary books, blanks, forms, stationery, supplies and printing required in the appointment of said distributors of ballots, and the distribution of ballots at the polls, shall be borne and paid by such city out of the general fund, upon vouchers of said board, certified by its president and secretary, specifying in every voucher the actual service, items of supplies, prices and rates in detail, which shall be allowed by the city auditor, and upon his warrant to be paid by the treasurer of such city.

SECTION 6. And such distributor of ballots who shall willfully neglect to perform his duty, or willfully desert his place of distributing ballots, or corruptly use his position, or in any way wrongfully interfere in such election, or canvass for voters for either or any party, or for any person, or disclose to any person how any elector has voted or will vote, or wrongfully changes any election ballot or ticket, or willfully deceives any elector in regard to his ballot, shall forfeit his fee or salary as such officer, and on conviction shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or imprisoned not less than thirty days nor more than one year, or may be both fined and imprisoned, in the discretion of the court.

Penalty for
failure to obey
this act.

Any person who willfully violates any provisions of sections three and four of this act, shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or imprisoned not less than thirty days nor more than one year, or may be both fined and imprisoned, in the discretion of the court.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 831.]

AN ACT

To compel children under fourteen years of age to attend school a certain length of time each year.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all parents, guardians and other persons who have care of children shall instruct them, or cause them to be instructed, in spelling, reading, writing, English grammar,

Children between eight and fourteen years compelled to attend school

geography and arithmetic, and every parent, guardian, or other person having control and charge of any child between the ages of eight and fourteen years, shall be required to send any such child or children to a public or private school for a period of not less than twenty weeks in city districts in each year, ten weeks of which, at least, shall be consecutive, and in village and township districts not less than sixteen weeks in each year, eight of which shall be consecutive, unless such child or children are excused from such attendance by the superintendent of the public, private or parochial schools in cities, or by authority of the board of education in villages and townships, when it shall have been shown to the satisfaction of said superintendent, or said board, that the physical or mental condition of such child or children has been such as to prevent his, her or their attendance at school, or that said child or children are taught at home by some qualified person or persons in such branches as are usually taught in primary schools.

Unlawful to employ children under fourteen years, except under certain conditions.

SECTION 2. That no child under the age of fourteen years shall be employed by any person, company or corporation during the school term, and while the public schools are in session, unless the parent, guardian or other persons having care of such child, shall be able to give substantial proof that he or she has fully complied with the requirements of section 1 of this act, or that such child has completed the usual course of primary and grammar grades in some public or private school, and such person, company or corporation shall demand such proof before giving employment to any minor, and shall make a record of said proof given, and shall be required, upon the request of the officer (hereinafter provided for) to allow said officer to examine the said record, and also the record as provided for in section 6986aa of the Revised Statutes, and any person, company or corporation employing any child contrary to the provisions of this act shall be liable to a penalty of fifty dollars for each offense, to be recovered in an action for debt in any court, or before any justice of the peace having jurisdiction, and such action shall be brought in the name of the clerk of the board of education.

Regarding minors over fourteen and under sixteen who cannot read and write English.

SECTION 3. That all minors over the age of fourteen, and under sixteen years, who cannot read and write the English language, shall be required to attend school at least one-half of each day, or to attend some evening school organized and maintained by the board of education, or to take regular private instruction from some person qualified, in the opinion of the superintendent of schools in cities, and the clerk of the board of education in villages and townships to teach such branches until he or she shall obtain a certificate from the superintendent of schools in cities and the clerk of the board of education in villages and townships, certifying that said minor can read at sight and write legibly simple sentences in the English language, and every person, company or corporation having such minor in employment shall be required to exact such school attendance from such minor, and be prepared, upon demand of the hereinbefore mentioned officer, to furnish evidence that such minor does comply with

the requirements of this act, and any person, company or corporation failing or neglecting to exact such school attendance from such minors shall be liable as provided for in section 2 of this act; provided, such person, company or corporation shall not have made provisions for the private instruction of such minors.

SECTION 4. That every parent, guardian or other person having charge or control of any child under the age of sixteen who has been discharged from any business in order to be afforded an opportunity to receive instructions or schooling, shall send such child to some public or private school until such child shall have acquired such instruction as section 3 of this act requires, and in case of failure on the part of said parent, guardian or other person to comply with the provisions of this section and of section 1 of this act, unless such child shall have been excused from such attendance by the superintendent of public schools or the clerk of the board of education in villages and townships for reasons stated in section 1 of this act, such parent, guardian or other person shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to fine of not less than five dollars or not more than twenty dollars for the first offense, and not less than twenty for each subsequent offense, or to imprisonment for not less than one month nor more than three. The said fines, when paid, to be added to the public school funds of such school district in which the offense occurs.

Where children have been discharged from employment by reason of this act.

SECTION 5. That all children between the ages of seven and fourteen years who are habitual truants from school, or while in attendance at any public or private school are incorrigible, vicious or immoral in conduct; and all children between said ages, and all minors between the ages of fourteen and sixteen who cannot read and write the English language, who absent themselves habitually from school, and habitually wander about the streets and public places during school hours, having no business or lawful occupation, shall be deemed juvenile disorderly persons and subject to the provisions of this act.

Habitual truants.

SECTION 6. That in cities of the first and second class the board of education of said cities shall be required to employ one truant officer to assist in the enforcement of this act, said truant officer to be vested with police powers, and shall be authorized to enter factories, workshops, stores, and all other places where children may be employed, and perform such other services as the superintendent of schools or the board of education may deem necessary to the preservation of the morals and good conduct of school children and for the enforcement of this act, and in villages and townships the board of education shall be required to appoint some constable or other person as truant officer, with same power as said officers have in said cities, and the compensation of such officers shall be fixed by the board of education.

Truant officers to be employed in certain cities.

SECTION 7. That the truant officers shall make daily reports to the superintendent of public schools during the school term in cities, and to the clerk of the board of educa-

Truant officers to make daily reports.

tion as often as the clerk shall require it to be done in villages and townships, and he shall also keep a record of his transactions, subject to the inspection of the members and officers of the board of education, and it shall be the duty of the clerk of the board of education to provide suitable blanks for said truant officer.

Duties of
truant officers.

SECTION 8. That it shall be the duty of all truant officers to examine into all cases of truancy when any such comes before their notice, or when requested to do so by the superintendent of public schools, or by the board of education, and to warn such truants, their parents or guardians, in writing, of the final consequences of truancy if persisted in, and also to notify the parent, guardian or other person having the charge and control of any juvenile disorderly person, that the said person is not attending any school, and to require said parent, guardian or other person to cause the said child to attend some recognized school within five days from said notice, and it shall be the duty of said parent, guardian or other person having the legal charge and control of said child, to cause the attendance of said child at some recognized school; if said parent, guardian or other person having the legal charge and control of said child, shall willfully neglect, fail or refuse to cause said child to attend some recognized school, it shall be the duty of said officers to make, or to cause to be made, a complaint against said parent, guardian or other person having the legal charge or control of such child, in any court of competent jurisdiction in the city, village or township in which the offense occurred, for such refusal, failure or neglect, and upon conviction thereof said parent, guardian or other person, as the case may be, shall be punished by a fine of not less than five dollars nor more than twenty dollars, or the court may, in its discretion, require persons so convicted to give bonds in the penal sum of one hundred dollars, with one or more sureties to be approved by said court, conditioned that said persons so convicted shall cause the child or children under his or her legal charge or control to attend some recognized school within five days thereafter, and to remain at said school during the term prescribed by law; provided, that if said parent, guardian or other person in charge of such child shall prove inability to cause said child to attend said recognized school, then said parent, guardian or other person shall be discharged, and said court, upon complaint of said truant officer or other person, that said child is a juvenile disorderly person, as described in section 5 of this act, proceed to hear such complaint, and if said court shall determine that said child is a juvenile disorderly person within the meaning of this act, such child shall be deemed guilty of a misdemeanor, and said court shall thereupon sentence said child to some juvenile reformatory, or county children's home, until such child shall arrive at the age of sixteen years, unless sooner discharged by the board of trustees of said reformatory or home. Provided, however, that said sentence may be suspended in the discretion of the court, for such time as the child shall regularly attend school and properly deport himself or herself. It is

further provided that if for any cause the parent, guardian or other person having charge of any juvenile disorderly person, as defined in this act, shall fail to cause such juvenile disorderly person to attend said recognized school, then complaint against such juvenile disorderly person may be made, heard and tried and determined in the same manner as provided for in case the parent pleads inability to cause said juvenile disorderly person to attend said recognized school; and it is further provided, that no child under the age of nine years shall be sent to any juvenile reformatory or children's home under the provisions of this act.

SECTION 9. That it shall be the duty of officers empowered or appointed under this act to assist in the enforcement thereof, to institute, or cause to be instituted, proceedings against any parent, guardian or other person having legal control or charge of any child, or corporation violating any of the provisions of this act; provided, that this law shall not be operative in any school district where there are not sufficient accommodation to seat children compelled to attend school under the provisions of this act, and that no prosecution shall be instituted against any parent, guardian or other person or child in charge of such, unless they have received due notification from an officer empowered under this act that they are acting in violation of this act.

Proceedings
when this act
is violated.

SECTION 10. When any truant officer shall discover to his full satisfaction any child under the age of fourteen years, wholly or partially dependent upon his or her own labor for a living, or who shall be the support of others unable to provide for their own sustenance, or when, in the judgment of the superintendent of the schools, or of the board of education, it may be necessary for such child to contribute to the support of the family of which he or she is a member, it shall be the duty of said truant officer to report such case to the proper authorities, whose duty it is to look after and care for the poor, and to endeavor to obtain such relief as may release such child from labor for such length of time each year as will be required for compliance with section 1 of this act, but such child shall not be declared a pauper or removed to any infirmary, reformatory or children's home, unless he or she shall willfully neglect to take advantage of the provisions made by said truant officer for his or her relief and instruction, and said truant officer failing to obtain such relief, the superintendent of schools, or the board of education, may make suitable arrangements for the private instruction of such child while so adversely conditioned.

When this act
may be sus-
pended for a
time.

SECTION 11. That it shall be the duty of all principals and teachers of all schools, public and private, to report to the clerk of the board of education of the city, village or township in which schools are situated, the names, ages and residence of all pupils in attendance at their schools, together with such other facts as said clerk may require, in order to facilitate the carrying out of the provisions of this act, and the said clerk shall furnish blanks for said purpose, and said reports shall be

Duty of
teachers and
principals
under this act.

made in the last week of September, December, February and April in each year.

When corporations violate this act.

SECTION 12. That when any of the provisions of this act are violated by a corporation, proceedings may be had against any of its officers or agents of said corporation, who in any way participates in, or are cognizant of such violation by the corporation of which they are the officers or the agents, and said officers or the agents shall be subject to the same penalties as individuals similarly offending.

Penalty

SECTION 13. Any person or officer mentioned in this act, and designated as having certain duties to perform in the enforcement of any of its provisions, neglecting to perform any such duties, shall be liable to a fine of not less than twenty-five dollars or more than fifty dollars for each and every offense.

Relating to other statutes.

SECTION 14. Any provision of statutes in force when this act takes effect, which conflicts with any provisions of this act, shall, to the extent it is inconsistent with the latter, and not otherwise, be held to be superseded by this act. The provisions of this act shall apply to children entitled under existing statutes to attend school at the institutions for the education of the blind, and the deaf and dumb. Other provisions of statutes in force, relating to school affairs, shall not be affected by this act; sections 4023, 4024 and 4028 of the Revised Statutes are hereby repealed.

SECTION 15. This act shall take effect January 1, 1890.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 888.]

AN ACT

To authorize boards of county commissioners to procure, by purchase or otherwise, material for road purposes.

When county commissioners may condemn material for road purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the board of county commissioners of any county in this state are unable to purchase of or contract with the owner or owners of any gravel bank or gravel bed, or other deposit of gravel, or the owner or owners of any stone, timber or other material in the judgment of such board of county commissioners necessary for the construction or repair of any road or highway within the said county, upon fair and equitable terms, or in case the owner or owners refuse to sell or contract with the county commissioners of any such county for the sale of such material, on such board of county commissioners agreeing to allow a reasonable [compen-

sation] therefor, then such board of county commissioners are authorized and hereby empowered to condemn and appropriate for public use said material in such quantities as, in the judgment of said board of commissioners, the public needs may require, allowing the owners therefor a just and equitable compensation for the same.

SECTION 2. An appeal from the amount of compensation allowed by any such board of county commissioners, for the payment of any material condemned and appropriated as aforesaid for public use, shall be allowed to the probate court of the county, which appeal shall be perfected and docketed in the mode prescribed in sections 4689 and 4690 of the Revised Statutes of Ohio, except that the appellants shall be the plaintiff and the board of county commissioners the defendant.

Findings may
be appealed
from.

SECTION 3. Upon such appeal, the probate court shall confine itself to the question of compensation presented by it, and shall forthwith, after the docketing thereof, cause a jury of twelve men to be selected and returned by the sheriff and clerk of the county, as provided by law, and shall issue a venire, commanding them to appear in court on the day and hour named in the venire, which shall not be later than ten days from its date, and sworn as jurors upon the trial of such claim.

Proceedings in
probate court.

SECTION 4. The probate court shall cause a notice to be served upon the appellant and upon the board of county commissioners to attend at the time and place designated for hearing such appeal, which notice shall be served by delivering each person named therein a copy thereof, or by leaving such copy at his usual place of residence, and if any parties are non-residents of the county, and have an agent or attorney therein, service on such agent or attorney shall be sufficient, or such notice may be sent to another county for service upon any party residing or being therein; and if the appellant is a non-resident, when he perfects his appeal, he shall leave with the probate judge the name of an agent or attorney in the county upon whom service of such notice may be made; and if he fail to do so no service upon him shall be necessary; and service upon a guardian shall be sufficient service upon his ward; and all further proceedings upon such appeal, relating to challenges, selection of talesmen, oath of jurors and conduct of the trial shall be the same as is prescribed in sections 4702 and 4703 of the Revised Statutes of Ohio, in so far as such proceedings are applicable to the trial of the appeal herein provided for.

How notice
given.

SECTION 5. If the compensation awarded to such appellant on appeal is not greater than the compensation allowed by the board of county commissioners, such appellant shall pay all the costs made on such appeal, and judgment shall be entered against the appellant therefor, for which execution shall be awarded; but if, upon such appeal, a greater compensation is awarded than was awarded by the board of county commissioners, judgment shall be entered against said board of commissioners for such costs.

Costs: how
paid.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 999.]

AN ACT

To facilitate the placing of children from children's homes in private families.

Preamble.

WHEREAS, If proper facilities were provided, large numbers of children from the children's homes of the state might find homes in private families, where they would have better opportunities for education, training and success, than they now have; and

WHEREAS, At present no adequate means are provided whereby said children can be placed out in families, and proper supervision maintained over them after they have been so placed; therefore,

Trustees of
children's
homes may
appoint visit-
ing agent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of each and every children's home in the state may appoint a competent person as visiting agent, whose duty it shall be to seek places for such children wherever suitable homes can be found in private families, where they will be properly educated, trained and cared for. Said agent shall visit each child so placed not more than twice in each year, when practicable, and shall report from time to time to the trustees the condition of each child, any brutal or ill-treatment of same, or failure to provide suitable food, clothing or school facilities of such child in the family where placed. Said agent shall [perform] his duties under the direction of the trustees and superintendent of the children's home for which they may be appointed, and he may be assigned such other duties not inconsistent with his regular employment, as the trustees may prescribe, and his appointment shall be for one year, or until his successor shall be appointed, and he shall receive such reasonable compensation for his services as the said trustees may provide.

Trustees of
different coun-
ties may unite
under this act.

SECTION 2. The trustees of children's homes in two or more counties in the state may unite in the employment of a visiting agent, who shall serve the said trustees in such manner and with such compensation as the trustees so uniting may prescribe.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1086.]

AN ACT

To amend chapter 14 of title II of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That chapter 14 of title II of the Revised Statutes be amended by the addition of a section, to be numbered section 3771a, as follows, to wit:

Sec. 3771a. The board of trustees of any university or college heretofore incorporated, but not under the patronage of conferences or other ecclesiastical bodies of any religious denomination, as described in section 3736, may increase the number of such trustees to twenty-four, exclusive of the president, or a less number, and may divide said trustees into four classes, each class to serve six years, and one class to be chosen each year, for said term; but one trustee of each class may be chosen by the votes of the alumni of such university or college, if the board of trustees shall so provide by by-law, in which case it shall also be the duty of the board of trustees to provide, by such by-laws, a method of nominating and electing such appointee of the alumni. The president of such university or college shall, ex officio, be a trustee perpetually, and shall not be included in the classes going out in rotation. If it shall be necessary, in the first enlargement of the board of trustees, under this section, to distribute new members to the several classes, whose terms shall expire by rotation, the distribution may be made in such manner as the board may direct, so that no trustee shall be elected for a longer term than six years.

How number
of trustees of
certain col-
leges increased.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1234.]

AN ACT

To amend section 2303 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2303 of the Revised Statutes of the state of Ohio, as amended March 16, 1881, be amended so as to read as follows:

Sec. 2303. When the corporation makes an improvement or repair provided for in this chapter, the cost of which will exceed five hundred dollars, it shall proceed as follows:

Proceedings in
improvements
and repairs.

First—It shall advertise for bids for the period of two weeks, or if the estimated cost exceed five thousand dollars, four weeks, in two newspapers published in the corporation, or one newspaper, if only one is published therein; or by posting advertisements in three public places in the corporation, if no newspaper is published therein.

Second—The bids shall be filed with the clerk of the board of improvements or board of public works (city commissioners), as the case may be, sealed up, by twelve o'clock at noon on the last day, as stated in the advertisement.

Third—The bids shall be opened at twelve o'clock at noon on the last day for filing the same, by the clerk, the mayor, the civil engineer and the assistant civil engineer, or any two of them, and publicly read by the officer opening the same, and filed in the office of the clerk, and shall be reported by the clerk of the council, board of improvements, or board of public works (city commissioners), as the case may be, at the next regular meeting thereafter.

Fourth—Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a sufficient guaranty of some disinterested person, that if the bid is accepted a contract will be entered into and the performance of it properly secured.

Fifth—If the work bid for embraces both labor and material, they shall be separately stated, with the price thereof.

Sixth—None but the lowest responsible bid shall be accepted, when such bids are for the labor or material separately; provided, that when the character of the material of the improvement has not been determined upon before the bids are received, that the lowest responsible bid for the improvement with the material determined upon after the bids have been received, shall be accepted; but the council may, in its discretion, reject all the bids, or it may, at its discretion, accept any bid for both labor and material which may be the lowest aggregate cost of such improvement or repairs.

Seventh—The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash; provided, however, that the contract price may be paid in assessments, as the council, in its discretion, may have previously determined; and suits to recover or enforce such assessment may be brought in the name of the corporation.

Eighth—If two or more bids are equal in the whole or any part thereof, and are lower than any others, either may be accepted; but in no case shall the work be divided between them.

Ninth—When there is reason to believe there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

SECTION 2. That section 3203 of the Revised Statutes of the state of Ohio, as amended March 16, 1881, be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1286.]

AN ACT

To amend section 2 of an act passed April 5, 1888 (O. L., v. 85, p. 158), entitled "an act to amend sections 1, 2, 3 and 4 of an act entitled 'an act to amend sections 1, 2 and 3 of an act entitled an act to provide for the relief of indigent Union soldiers, sailors and marines, and the indigent wives, widows and minor children of indigent or deceased Union soldiers, sailors and marines,' passed March 4, 1887, and to amend section 4 of an act passed May 19, 1886 (O. L., v. 83, p. 232)," passed March 16, 1887 (O. L., v. 84, p. 100), as amended March 27, 1889, and to amend section 5 of an act entitled "an act to provide for the relief of indigent Union soldiers, sailors and marines, and the indigent wives, widows and minor children of indigent or deceased Union soldiers, sailors or marines," passed May 19, 1886 (O. L., v. 83, p. 232).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of the above entitled act, passed April 5, 1888, and section 4, as amended March 27, 1889, be amended so as to read as follows:

Sec. 2. It is hereby made the duty of the soldiers' relief commission hereinafter provided, in each county in this state, as soon as practicable after the passage of this act, and annually thereafter on the first Monday in January in each year, to appoint for each township, in such county, and for each ward in any city in any such county, a soldiers' relief committee, consisting of three persons, residents of each such township and ward, who shall be honorably discharged Union soldiers, sailors or marines, provided that if there are no such soldiers or sailors or marines who are residents of [any] such township or ward, then there shall be appointed three reputable citizens, one of whom shall be designated as chairman of such township or ward soldiers' relief committee; and to fill all vacancies that may occur in any such committee, and to remove any member of any such committee for cause; and it shall be the duty of each such township and ward soldiers' relief committee, in its respective township or ward, to receive all applications for relief, under the provisions of this act, from applicants residing in such township or ward, to examine carefully into the case of each applicant, and on the first Monday in May in each year, to make a list of the names of all indigent Union soldiers, sailors and marines, and the indigent parents, wives, widows and minor children of the same, who are residents in such township or ward, who have

Soldiers' relief
committee;
how appointed

Lists of persons
entitled to relief
to be made.

Determination
of amount necessary
for such relief.

Duties of
commission.

been bona fide residents of the state one year, and of the county six months, next prior to said first Monday in May, and who, in the opinion of any such township or ward relief committee, require aid, and are entitled to relief under the provisions of this act; and it shall be the duty of the chairman of each township and ward soldiers' relief committee, or other member of such committee authorized by such committee, to deliver such list to the soldiers' relief commission, hereinafter provided, or its secretary, on or before the last Monday in such month of May, together with a statement of each applicant for relief, of the income, if any, of the applicant, the amount of taxable property, real and personal, of stocks, bonds, moneys on hand, loaned or deposited in any bank or elsewhere, shares in building associations, mortgages, notes or other articles of value from which an income or revenue is derived by the applicant; said statements shall be made upon blanks which shall be furnished by the soldiers' relief commission, and shall be subscribed by the applicant; and in case any false statement is made therein by any applicant for relief, or guardian for such applicant, such applicant or guardian shall be deemed guilty of a misdemeanor, and, upon conviction before any court of competent jurisdiction, shall be fined in any sum not exceeding fifty dollars, nor less than twenty dollars, and be imprisoned in the county jail for a period not exceeding sixty days nor less than thirty days. And on said last Monday in May, said commission shall meet and determine from said lists the probable amount necessary for the aid and relief of such indigent persons for the ensuing year, together with an amount sufficient, in the judgment of said commission, to furnish relief to any such indigent persons not named in said lists, whose right to such relief shall be established to the satisfaction of such commission. Such commission, after determining the probable amount necessary for the purposes aforesaid, shall certify the same to the county commissioners of the county, who, at their June session, shall make such levies as shall be necessary to raise the required relief, not exceeding three-tenths, except in counties containing a national soldiers' home not exceeding five-tenths, of a mill per dollar on the assessed value of the property of the county.

Sec. 4. The soldiers' relief commission shall meet at the office of the county commissioners, or in a suitable room furnished by them for that purpose, on the fourth Monday of November of each year, and at such other times as may be necessary, and examine carefully the several lists and statements of those reported by the township and ward soldiers' relief committees, and also the cases of all not included in the said lists, who, before and during their session, may have made application to said commission for aid under the provisions of this act; and being satisfied that those so reported or so making application as aforesaid, or any of them, are in need of assistance and are entitled thereto under the provisions of this act, shall fix the amount to be paid per month in each case to such person or family. Upon the conclusion of said examination and the determination of said monthly

allowance, the commission shall make a complete list of those to whom relief has been so awarded, showing the monthly amount so awarded to each person, and, so far as practicable, the place of residence of each, and certify the same to the auditor of their county, who shall, within ten days thereafter, transmit to the township clerks, in his county, a list of the names of the persons in the respective townships, and the amount payable monthly to each; whereupon, the auditor, on the first day of each month after said fund is ready for distribution, shall issue to the treasurer of each township his warrant upon the treasurer of the county for the amount awarded to the persons in such township, and such township treasurer shall disburse the same in the amounts and to the persons named in the list furnished to the township clerk as aforesaid, taking receipts therefor. Except that in all townships embracing a county seat, and in which the office of county treasury is kept, it shall be the duty of the county treasurer to disburse said fund to the persons named in the list to be furnished to him by the township or city clerk, the said county treasurer taking proper receipts therefor. And to each person certified by the commission to the auditor as aforesaid, and not included in any of the lists furnished to township clerks, the auditor shall issue his warrant upon the county treasurer for the monthly allowance awarded to such person; provided, that such commission, upon proper cause shown, may appoint some suitable person to draw, receipt for and properly expend the allowance made to any person under the provisions of this act, for the benefit of the person to whom the allowance has been made, and the indigent members of his or her family; and provided further, that said commission, at any meeting, may increase, decrease or discontinue any allowance theretofore awarded, which action shall be by them certified to the county auditor, who shall amend his list in accordance therewith. And in case such change relate to the allowance to any person resident in any township, the same shall be certified to the township clerk, who shall amend his list accordingly and certify the same to the township treasurer, and if the amount due said township, after such change, increase the amount theretofore allowed said township, the auditor shall issue to the township treasurer his warrant upon the county treasurer for such additional amount; provided further, that the commission may, at any time, in case of sickness, accident or great destitution, upon proper evidence, grant immediate relief to any person entitled thereto under the provisions of this act, under such rules as said commission may designate; and, provided further, that if any money so awarded as relief shall not be called for by the applicant, before the first Monday in December, annually, such amounts shall be paid into the county treasury to the credit of the relief fund; and, provided further, that "township" as designated in section 2 of this act shall include no part of a township embraced within the limits of a city.

Disbursements

Allowance may be increased, decreased, or discontinued.

Immediate relief may be granted in certain cases.

SECTION 2. That section 2 of the said act, passed April 5, 1888, and section 4, as amended March 27, 1889, be and the same are hereby repealed, saving from the operation of such

repeal all acts done and allowances made by any soldiers' relief commission prior to the passage of this act.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1401.]

AN ACT

To amend section 3920 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3920 of the Revised Statutes of Ohio be so amended as to read as follows:

Regular and
special meet-
ings of board.

Sec. 3920. The board of education shall hold regular sessions on the third Monday of April and the last Monday of August in each year at the usual places of holding township elections, or at such place in the immediate vicinity thereof as may be convenient, for the transaction of business, and may adjourn from time to time or hold special meetings at any other time or place within the township as it deems desirable, for the transaction of business, which special meeting may be called by the township clerk, by the president of the board, or by two or more members of the board, but each member of the board must be duly notified thereof personally, or by written notice left at his residence or usual place of business.

SECTION 2. The said section 3920 is hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1420.]

AN ACT

To allow the commissioners of Cuyahoga county certain compensation as herein provided.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be enacted as supplementary to section 897 of the Revised Statutes, as amended April 8, 1886:

Sec. 897c. In counties which contain a city of the first class, second grade, each commissioner shall be allowed for expenses incurred by said commissioner, in the proper discharge of his duties within said county, the sum of three hundred dollars (\$300) per annum, said sum to be paid out of the county treasury on the warrant of the county auditor.

Allowance for expenses of county commissioners.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1467.]

AN ACT

To amend section 40 of the Revised Statutes, as amended March 16th, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty of the Revised Statutes, as amended March 16th, 1880, shall be amended so as to read as follows:

Salary and mileage of members of general assembly.

Sec. 40. Each member of the general assembly shall receive the sum of six hundred dollars for each year of the term of his office, to be paid in monthly installments, not exceeding one hundred and fifty dollars; provided, that there shall be paid at the close of each session the amount due for that year, and also twelve cents per mile each way for traveling from and to his place of residence, by the most direct route of public travel to and from the seat of government, but if any member is absent without leave, or is not excused on his return, there shall be deducted from his compensation the sum of five dollars for each day's absence.

SECTION 2. That section 40 of the Revised Statutes, as amended March 16th, 1880, is hereby repealed.

SECTION 3. This act shall be in force from its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1471.]

AN ACT

To amend section 2276 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2276 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Assessment on
property of the
corporation.

Sec. 2276. When the whole or any portion of an improvement authorized by this title passes by or through a public wharf, market space, park, cemetery, structure for the fire department, water works, school building, infirmary, market building, work-house, hospital, house of refuge, gas works, public prison or any other public structure or public grounds within and belonging to the corporation, the council may authorize the proper proportion of the estimated costs and expenses of the improvement, to be certified by the clerk of the corporation to the county auditor, and entered upon the tax list of all the taxable real and personal property in the corporation, and the same shall be collected as other taxes; provided, that in cities of the second grade of the first class, the special assessment for such improvements shall be paid from the fund of the department controlling the property, through or by which the improvement passes.

Provision.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1473.]

AN ACT

To authorize the governor to execute a deed conveying certain land in Henry county, Ohio, to Catharine B. Felker.

Governor au-
thorized to
execute a deed.

WHEREAS, On December 2, 1850, Ira Richardson and Cyrillas Page purchased from the state of Ohio the southwest quarter of the southeast quarter, section nineteen (19), township four (4) north, range six (6) east, in Henry county, Ohio; and

WHEREAS, The said Ira Richardson and Cyrillas Page paid to the state of Ohio the full contract price for said land, but never received a deed therefor; and

WHEREAS, Catherine B. Felker purchased said land in good faith, and has made permanent and valuable improvements thereon; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor is hereby authorized to execute a deed conveying to Catharine B. Felker the southwest quarter of the southeast quarter, section nineteen (19), township four (4) north, range six (6) east, in Henry county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1486.]

AN ACT

To amend section 1945 of the Revised Statutes of Ohio, as amended April 19, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1945 of the Revised Statutes be amended so as to read as follows:

Sec. 1945. Fifteen per cent. of all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police to be paid, or given on account of extraordinary services of a member of the police force, all unclaimed money, the proceeds arising from the sale of unclaimed property, and one-third of the moneys received by the board from all sources whatever, the disposition of which is not otherwise provided for by subdivision two, chapter five, division five, title twelve, of the Revised Statutes of Ohio, one-third of all the moneys collected by the police court on account of the service by the police force of writs issued by such court, all policeman's fees, members of the police force to be allowed the same fees as other persons in the police court, which shall be charged by the clerk in the bill of costs and collected of the defendant in case of conviction, as in case of other witnesses, all witness fees allowed members of the force in the criminal court of the county, all of which fees when collected, and all fines imposed by the board of police upon members of the force for violation of rules shall be paid to the trustees of the police pension fund, who shall deposit the same into the city treasury to the credit of said police pension fund; and the persons who, from time to time constitute the board of police commissioners of the city, and five members of the police force, to be elected by the members of said force on the first Tuesday of January of each year, are hereby declared trustees of such fund, and the president of said board of police shall be the president of the board of trustees hereby created, and the secretary of said board of police shall be the secretary of said board of trustees, and it is hereby made the duty of said secretary to keep a record of the proceedings of said board of trustees and all action taken by it with regard to said fund, and with regard to the members of said police force, as herein provided, and said trustees shall have power to draw such fund from the treasury on the warrant of the president, countersigned by the secretary, and may invest the same in interest bearing bonds of the United States, the state of Ohio, and the city of Cleveland, or deposit the same in responsible savings and loan associations in the city of Cleveland, and have power to draw the same from the treasury for that purpose, and shall make reports to the city council of the condition of the fund on the first day of January of each year.

Police life and
health insurance
fund.

SECTION 2. That the original section 1945, as amended April 19, 1881, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1500.]

AN ACT

To supplement section 138 of an act entitled "an act to amend, revise and consolidate the statutes relating to municipal corporations, to be known as title XII, part 1, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following shall be supplementary to section 138 of an act entitled "an act to amend, revise and consolidate the statutes relating to municipal corporations, to be known as title XII, part 1, of the act to revise and consolidate the general statutes of Ohio," passed May 14, 1878, and to be known as section 138a:

Compensation
to be fixed by
police commis-
sioners.

Sec. 138a. The pay, in all cases, shall be fixed by the board of police commissioners, and the salaries shall be paid monthly to each person entitled thereto, and in cities of the first grade, second class, the police commissioners shall receive as compensation for their services the sum of three hundred dollars, to be paid in quarterly installments.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1508.]

AN ACT

To increase the salary of township clerks in certain townships.

Salary of town-
ship clerks in
certain town-
ships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any township of the state having a population at the last federal census, in 1880, and which at any subsequent federal census may have a population of 21,175, the township trustees of such township may allow the clerk thereof a compensation not to exceed two hundred and fifty

dollars in any one year, to be paid out of the township treasury.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1511.]

AN ACT

To fix the time when county treasurers shall pay certain funds into the state treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county treasurers of this state, on or before the 1st day of January and the 1st day of July in each year, shall report to the auditor of state the amount of money paid into the treasury of the county under the provisions of sections five and nine of an act to provide against the evils resulting from the traffic in intoxicating liquors, passed May 14, 1886, as amended March 26, 1888; and such treasurer shall, on or before the 10th day of January and the 10th day of July of each year, remit by draft or otherwise, as the auditor of state may direct, to the treasurer of state the money due the state as shown by such statement.

When dows tax
to be paid into
state treasury.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 457.]

AN ACT

To supplement section 251 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 251 of the Revised Statutes be supplemented as follows:

Sec. 251a. At the time of filing the report required by section two hundred and fifty-one, every corporation or company operating a railroad, or any part of a railroad, within this state, shall pay to the commissioner a fee of one dollar per mile for each mile of track, whether main, branch, double or side track, operated by them within this state. Any cor-

Requiring rail-
road com-
panies to pay
a fee of one
dollar per mile
to commission-
er; penalty
for neglect.

poration or company failing to pay such fee, at the time prescribed, shall forfeit and pay a sum of not less than one thousand nor more than five thousand dollars. All fees received by the commissioner under this section shall be paid by him into the state treasury, upon an order from the auditor of state.

SECTION 2. This act to take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 814.]

AN ACT

To regulate by taxation the use of fishing nets in Lake Erie and the reservoirs of the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 6968 of the Revised Statutes, as amended April 14, 1888, with sectional numbering as follows:

Regulating by
taxation the
use of fishing
nets in Lake
Erie and the
reservoirs of
the state.

Sec. 6968b. That every corporation, firm or person engaged in fishing with pound net, double heart trap net, seine, gill net, fyke or set net, or other kind of net, in Lake Erie, or in any bay, harbor or estuary of said lake, or in the waters of what are known as Mercer county, Lewistown, or Licking reservoirs, shall pay, semi-annually, into the treasury of the state, to the credit of the general revenue fund, upon each net used, the following sums: Upon each pound net set in Lake Erie, four dollars; upon each double heart trap net, five dollars; upon each pound net set in Sandusky, Portage or Maumee bays, two dollars; upon each gill net, per one hundred feet, fifteen cents; upon each seine (except those used only for catching minnows for bait), four dollars; upon each fyke or set net, using leads, two dollars; upon each fyke, or set net, without leads, one dollar; and on any other net or nets not herein specified, five dollars. The owner or owners of such nets shall report to the auditor of state, on or before the first day of April and the first day of August, in each year, the number of nets of each kind herein named owned or controlled by him or them, to be used, during the fishing season, in the waters named, and, upon the warrant of the auditor, shall pay into the state treasury the amount assessed by this act upon such nets, for which amount the treasurer shall give, to such person or persons, his receipt. The treasurer shall notify the chief warden of such payment, and the chief warden shall issue, to such person or persons who have made such report and payment, a metal tag for each net so reported.

Such metal tags shall be consecutively numbered, and one shall be affixed to each net placed or set for fishing; and the absence of such tag from any net fixed, set or placed for fishing, shall be evidence of violation of this act. Any person or persons using any net or nets herein named, in any of the waters described, upon which the tax has not been paid, shall, upon conviction, be held to pay upon every such net a sum equal to double the amount herein named, as the tax upon such net or nets, in addition to the penalty fixed in section 6968; and such net or nets may be taken and sold for the satisfaction of such judgment.

SECTION 2. This act shall take effect July 1st, 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 921.]

AN ACT

To amend section 5340 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5340 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 5340. The plaintiff, if a non-resident of the county in which the action is brought, or a partnership suing by its company name, must furnish sufficient security for the costs; the surety must be a resident of the county, and approved by the clerk, and his obligation shall be complete by indorsing the summons, or signing his name on the petition, as surety for costs; he shall be bound for the payment of all costs which may be adjudged against the plaintiff in the court in which the action is brought, or in any other court to which it may be carried, and for all costs which may be taxed against the plaintiff in such action, whether he obtained judgment or not; but the plaintiff may deposit with the clerk of the court such sum of money, as security for costs in the case as, in the opinion of the clerk, will be sufficient for the purpose; and the clerk may, on motion of the defendant, and if satisfied that such deposit is not sufficient, require the same to be increased, or personal security to be given. Provided, that the provisions of this section shall not apply to re-enlisted veteran volunteers, who are seeking to avail themselves of the provisions of an act "to authorize and require the payment of bounties to veteran volunteers," passed April 16, 1887, and amended April 16, 1880.

When plaintiff
must give
security for
costs.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1026.]

AN ACT

To amend section 8 of an act entitled "an act relating to the imprisonment of convicts in the Ohio Penitentiary, and the employment, government and release of such convicts by the board of managers," passed March 24, 1884 (81 O. L., 72), as amended May 4, 1885 (82 O. L., 236).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section eight of said above entitled act, as amended May 4, 1885, be so amended as to read as follows:

Parole of
prisoners.

Sec. 8. That said board of managers shall have power to establish rules and regulations under which any prisoner who is now, or hereafter may be, imprisoned under a sentence other than for murder in the first or second degree, who may have served a minimum term provided by law for the crime for which he was convicted (and who has not previously been convicted) of felony, and served a term in a penal institution, and any prisoner who is now or hereafter may be imprisoned under a sentence for murder in the first or second degree, and who has now or hereafter (shall have served under said sentence twenty-five full years), may be allowed to go upon parole outside of the buildings and enclosures, but to remain, while on parole, in the legal custody and under the control of the board, and subject at any time to be taken back within the enclosure of said institution; and full power to enforce such rules and regulations, and to retake and reimprison any convict so upon parole, is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named therein, to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process.

SECTION 2. That said section eight, as amended May 4, 1885, is hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed April 15, 1889.

[House Bill No. 1414.]

AN ACT

To provide for additional places to pay taxes, other than the county treasurer's office, in counties containing a city of the first class, second grade.

Providing
additional
places to pay
taxes other
than the treas-

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties containing a city of the first class, second grade, the county commissioners shall, in addition to the regular office now provided for the county treasurer for

the receipt of taxes and assessments, name and designate such places outside of the corporate limits of said cities, and such other place or places within the corporate limits of said cities, as may by them be considered most convenient for the taxpayers; provided, however, that no such place or places shall be designated other than those provided with safes and proper facilities for receiving and safe keeping of all money so received at said places for taxes.

urer's office in certain counties.

SECTION 2. The county treasurer shall appoint suitable persons to act as his deputies or clerks for the receiving of taxes at said places, and shall require them to give a good and sufficient bond for receiving, safe keeping and paying over to said county treasurer all moneys so received for taxes.

Deputies.

SECTION 3. All moneys so received for taxes shall be reported by said deputies or clerks on or before Tuesday of each and every week, for the week next preceding, and shall be deposited with the county treasurer, and his receipt taken therefor; and said report or reports shall be verified by the oath of said deputy or deputies, clerk or clerks.

Reports by deputies of taxes collected.

SECTION 4. Said places shall be kept open for the receipt of taxes during proper business hours, and may remain open during all business days between the 1st day of December and the 25th day of January next thereafter, and between the 1st day of June and the 20th day of July of each and every year.

When taxes may be paid.

SECTION 5. The commissioners shall direct the county auditor to make out such tax lists or duplicates as may be necessary for the full compliance with the provisions of this act, and allow him, when not otherwise provided, reasonable compensation therefor.

Duties of county auditor as to duplicates, etc.

SECTION 6. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1496.]

AN ACT

To amend section 1692 of the Revised Statutes of Ohio, as amended April 20, 1881 (78 vol. O. L., p. 254), and March 27, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1692 of the Revised Statutes of Ohio, as amended April 20, 1881, and March 27, 1889, be so amended as to read as follows:

Sec. 1692. In addition to the powers specifically granted in this title, and subject to the exceptions and limitations in other parts of it, cities and villages shall have the general powers enumerated in this section, and the council may provide by ordinance for the exercise and enforcement of the same.

Riots, gambling, etc.

1. To prevent riots, gambling, noise, and disturbance, indecent and disorderly conduct or assemblages, and preserve the peace and good order, and protect the property of the municipal corporation and its inhabitants.

Billiards, ten-pins, etc.

2. To regulate billiard tables, nine or ten-pin alleys or tables, and ball-alleys; and to authorize the destruction of instruments or devices used for the purpose of gambling.

Nuisance.

3. To prevent injury or annoyance from anything dangerous, offensive, or unwholesome, and to cause any nuisance to be abated.

Houses of ill-fame.

4. To suppress and restrain disorderly houses and houses of ill-fame, and to provide for the punishment of all lewd and lascivious behavior in the streets and other public places.

Beer saloons.

5. To regulate ale, beer, and porter houses and shops.

Taverns.

6. To regulate taverns and other houses for public entertainment.

Theatrical exhibitions.

7. To regulate, restrain or prohibit theatrical exhibitions and public shows, and exhibitions, of whatever name or nature, for which money or other reward is in any manner demanded or received; but lectures on historic, literary or scientific subjects shall not come within the provisions of this section.

Auction of animals.

8. To regulate or prohibit the sale of live domestic animals at public auction in the streets, alleys, highways or any public ground within the corporation.

Auctions.

9. To regulate auctioneering, and to regulate, license or prohibit the sale at auction of goods, wares and merchandise imported into the corporation for the purpose of being sold at auction.

Carriages, drays, etc.

10. To regulate the use of carts, drays, wagons, hackney coaches, omnibuses, and every description of carriages which may be kept for hire, or livery-stable purposes.

Animals running at large.

11. To regulate, restrain, and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, and other animals, and to impound and hold the same; and on notice to the owners, to authorize the sale of the same, or any portion thereof, for the penalty imposed by any ordinance, and the cost and expenses of the proceedings.

Dogs.

12. To regulate or prohibit the running at large of dogs, and provide against injuries and annoyances therefrom, and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance to that effect.

Fast driving.

13. To prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles through the public highways.

Explosives.

14. To regulate the transportation and keeping of gun-powder and other explosive and dangerous combustibles, and to provide or license magazines for the same.

15. To regulate the transportation of articles through the streets, and prevent injuries to the streets from overloaded vehicles. Transportation.
16. To regulate the weighing and measuring of hay, wood and coal, and other articles exposed for sale. Weighing.
17. To guard against injuries by fire. Fire.
18. To lay off, establish, open, widen, narrow, straighten, extend, keep in order and repair, and to light streets, alleys, public grounds, and buildings, wharves, landing places, bridges, and market spaces within the corporation, including any portion of any turnpike or plank road therein, surrendered to or condemned by the corporation, and to provide for laying down gas pipes. Streets.
19. To construct, open, enlarge, excavate, improve, deepen, straighten, or extend any canal, ship canal, or water-course located in whole or in part within the corporation. Canals.
20. To regulate the cleaning and sprinkling of streets, alleys, and public grounds. Street cleaning.
21. To open, construct, and keep in repair sewers, drains, and ditches. Sewers.
22. To establish, repair, and regulate water-closets and privies. Privies.
23. To erect, establish, regulate, and repair pest-houses, hospitals, and infirmaries. Hospitals.
24. To establish a board of health and invest it with such powers and impose upon it such duties as may be necessary to secure the inhabitants from the evils of contagious, malignant and infectious diseases. Board of health.
25. To build jails or other places of confinement, and to regulate the same. Jails.
26. To erect market-houses, and to establish and regulate markets. Markets.
27. To regulate the erection of buildings, fences, and other structures within the corporate limits. Buildings and fences.
28. To provide public cemeteries, and for the improvement and protection thereof, and to regulate the burial of the dead. Cemeteries.
29. To organize and maintain a police department. Police.
30. To organize and maintain a fire department, erect necessary buildings therefor, and to purchase and hold all necessary hose, engines, carts, ladders, carriages, tools and implements therefor. Fire department.
31. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water-pipes, reservoirs, and water-works, and for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof. Water.
32. To hold and improve public grounds and parks, and to provide for the protection and preservation of the same. Parks.
33. To appropriate private property for the use of the corporation. Appropriation of property.

Powers to purchase real estate.

34. To acquire by purchase, or otherwise, and hold real estate, or any interest therein, and other property for the use of the corporation, and to sell or lease the same.

Public schools.

35. To erect and maintain buildings for public schools.

Halls.

36. To erect and maintain public halls.

Libraries.

37. To establish and maintain free, public libraries and reading rooms, and to purchase books, papers, maps, and manuscripts therefor, and to receive donations and bequests of money or property for the same in trust or otherwise; and the council may appoint such trustees or officers, and confer on them such authority as may be necessary to render any reading room so established of public utility; and may, also, pass necessary by-laws and regulations for the protection and government of the same.

Ferries.

38. To license and regulate ferries within the corporate limits.

Bequests.

39. To accept bequests made by will, upon conditions and limitations contained in the will; and any city or village accepting such a bequest shall be bound to faithfully carry out all the stipulations of the will in relation to the bequest, and the council of any such city or village is hereby authorized to make any and all rules and regulations by ordinance that may be required to carry out fully all the provisions of the will in relation to the bequest.

License.

40. To license and regulate the sale of produce and other merchandise, from canal-boats, vessels, cars on railroad tracks, and railroad depots, and cities of the first grade of the first class in addition to the powers hereinbefore granted, shall have the power to regulate and compel the consumption of the smoke emitted by the burning of coal, and to prevent injury and annoyance from the same.

SECTION 2. That said section 1692, as amended April 20, 1881, and March 27, 1889, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1498.]

AN ACT

To authorize municipal corporations having a population at the last federal census of not less than one thousand two hundred and sixteen and not more than one thousand two hundred and nineteen, to issue bonds for the purpose of sinking wells for natural gas or oil for the use of such corporation, or for the purpose of producing manufactured gas instead thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any municipal corporation which, at the last

federal census, had a population of not less than one thousand two hundred and sixteen (1,216), nor more than one thousand two hundred and nineteen (1,219), is hereby authorized and empowered to issue its bonds for an amount not exceeding six thousand (\$6,000) dollars, for the purpose of sinking wells for natural gas or oil, or for producing manufactured gas, purchasing machinery therefor, laying pipes, and constructing the necessary buildings, fixtures and appliances to supply such village and the citizens thereof with natural gas or oil or manufactured gas, for public or private use or consumption.

Certain municipal corporations authorized to issue bonds for natural gas purposes.

SECTION 2. No such bonds shall be issued until the council of such village shall have leased or otherwise secured control of a suitable site for at least one well, and provided by ordinance for the election or appointment of not less than five suitable persons, residents and real estate owners of the village, to be called trustees of gas-works, and defining the duties of such board of trustees under whose direction the work shall be conducted, and the money arising from the sale of the bonds expended. Such bonds, when issued, shall be in denominations of not less than fifty dollars nor more than five hundred dollars, payable at such times, not exceeding ten years from the date of issue, as the council may determine. The bonds shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

Board of trustees to be appointed.

Bonds; denominations; when payable.

SECTION 3. No more bonds shall be issued or sold than is required by the actual and necessary cost of providing the machinery and sinking said wells, or for producing manufactured gas, and for properly storing, using or selling the products thereof. Said bonds shall be issued and sold from time to time and in such amounts as are made necessary by the progress of the work; and all the proceeds and money arising from the sale of said bonds shall be used exclusively for and applied to the payment for work, labor, machinery or materials necessary in sinking wells or producing manufactured gas, and using and handling the products therefrom.

Limitation.

SECTION 4. That the net income and profits arising from the use, rent or sale of said wells or the products therefrom, or of said manufactured gas, or the sale of the machinery and appliances used in sinking said wells, shall be paid into the village treasury and pledged and applied to the payment of the principal and interest on said bonds, and the council of such village is hereby authorized and empowered to levy a tax, annually, on all the property in said village, not exceeding two mills on the dollar, in addition to the tax authorized by law, as will each year be sufficient to pay the principal and interest then falling due, and provide a sinking fund for the gradual extinguishment of said bonds, after which the remaining income and profits from said wells or manufactured gas, if any, shall be paid into the general revenue fund of such village.

Disposition of proceeds.

Levy of tax.

SECTION 5. Provided, however, the council of such village, before issuing said bonds, shall submit the question to a

Question to be submitted to vote.

vote of the qualified electors of such village at any special or general election, of which two weeks' notice shall be given, by printed notices in each one of the papers published in said corporation, and which notice shall state the amount of bonds to be issued, the purpose for which they are to be issued and the time and place of holding said election, and also by posting written or printed notices in not less than six conspicuous places in said village, and if two-thirds of the electors voting at said election upon the question of issuing said bonds, vote in favor thereof, then said bonds may be issued and said tax levied, and not otherwise.

Ballots.

SECTION 6. At said election those voting in favor of said proposition shall have written or printed on their ballots the words, "For the issue of bonds—Yes;" and those voting against the proposition, "For the issue of bonds—No."

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1501.]

AN ACT

To provide for the construction of sewers in cities of the third grade of the second class, having a board of public affairs.

Certain cities
third grade,
second class,
authorized to
construct
sewers and
assess cost on
abutting
property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any city of the third grade of the second class having a board of public affairs, the said board shall have authority to construct sewers through any of the streets, avenues or alleys, or parts thereof, of the said city, and to certify to the city council of any such city the estimated cost of the said construction to the end that the same shall be paid for and assessed upon the property abutting upon those streets, avenues or alleys, or the parts thereof, through which the said sewers may be constructed, in accordance with the various provisions of this supplement, and in accordance with the various provisions of law now enacted, or hereafter to be enacted applicable thereto, and not inconsistent with this act.

Bonds may
be issued;
limitation.

SECTION 2. In order to provide for the payment of the costs and expenses of said improvements to be assessed on the abutting property, the council in any such city shall, from time to time, upon certified estimates made to said council by said board of public affairs, issue the bonds of such city, in such sums as it may appear by such certified estimates may be required, in all to an amount not exceeding the contract price of the work and the other expenses attending the same

and interest as hereinafter provided for; said bonds shall be issued as other bonds of such cities are issued, but they shall be plainly designated as sewer bonds, and shall bear the name of the street, avenue or alley, or parts thereof through which the said sewer has been constructed, or it is proposed shall be constructed, and shall state therein that they are to be paid by an assessment upon the property abutting upon said street, avenue or alley, or part thereof; said bonds shall extend over a period of at least fifteen years; they shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, on the first day of July and January, and principal and interest shall be payable at the office of the city treasurer.

SECTION 3. The said bonds shall be negotiated at not less than par, as the other bonds of such cities are negotiated, and the proceeds shall be applied solely to pay for said sewers, and the proceeds thereof shall only be paid upon the certificate of the said board of public affairs that the work has been done according to the contract. When the whole work is done, the amount of the bonds sold to pay for the same, and the interest thereon to the next interest day, when assessments can be collected as hereinafter provided to pay the same, shall be taken as the cost of said sewer or sewers, to be paid by the owners of the abutting property, and that amount shall be assessed equally by the front foot of property fronting or abutting on the said streets, avenues, alleys or parts thereof through which the said sewer or sewers shall have been constructed.

Cost to be assessed equally by the front foot.

SECTION 4. Such assessment shall be placed upon the tax duplicate, and shall be payable in equal installments to meet said bonds, at the county treasurer's office, with interest at the rate provided in said bonds, payable semi-annually, from the date to which such semi-annual interest was computed, on the amount of said bonds, or so much as remains unpaid, from time to time, until all said bonds and interest are fully paid.

Assessments to be placed on tax duplicate.

SECTION 5. Such assessments, with the interest accruing thereon, shall be a lien upon the property abutting upon the street, avenue or alley or part thereof, through which the said sewer or sewers shall be constructed, from the time the contract is entered into for the construction of said sewer or sewers, and shall remain a lien until fully paid, having precedence of all other liens, except taxes, and shall not be divested by any judicial sale unless the payment of the same is provided for from the proceeds of such sale; provided, that such lien shall be limited to the usual depth of the lots or lands abutting on said street, avenue or alley, or part thereof. No mistakes in the description of the property or the name of the owner or owners shall impair the said lien.

Assessments to be a lien until fully paid.

SECTION 6. Any owner of property against whom an assessment shall have been made for the construction of such sewer or sewers shall have the right to pay the same, or any part yet remaining unpaid, in full, with interest thereon, to the next semi-annual payment due on said assessment, and such payment shall discharge the lien on the property. If any owners shall

How assessments paid.

subdivide any abutting property after such lien attaches, he may discharge the same upon any part thereof in like manner.

Application of
proceeds.

SECTION 7. All moneys received from such assessments shall be appropriated by the proper authorities of the cities, solely to the payment of the interest and the redemption of the bonds issued for the construction of said sewer or sewers, or any renewal thereof. If any bond or interest shall be due, and no money is in hand to pay the same, the city shall be authorized to make a temporary loan to pay the same; but such lien shall remain in full force on the abutting property for the full assessments not paid, and accruing interest for such temporary loan, in behalf of such city.

Action for
collection of
unpaid assess-
ments.

SECTION 8. In any action to enforce or enjoin any assessment, the court shall disregard any irregularity or defect, whether in the proceedings of said board or council, or any officer of the corporation, or in the plans or estimates; and the acceptance of the work by the said board of public affairs as set forth and stipulated in section three of this act, shall be presumptive evidence that the contract has been complied with, and that the assessment exists; but if it be shown that there is any substantial defect of the improvement, or any fraud in the contract price of the work or materials, the court may order such deduction therefor from the cost of such sewer or sewers, and said deduction shall be ratably deducted from the assessments on all the property abutting on the street, avenue or alley or part thereof through which such sewer or sewers shall have been constructed, and the court may make such order in regard to the costs, where such substantial defect or fraud is found, as to the court shall seem proper.

Estimate of
cost to be
made by city
engineer.

SECTION 9. It shall be the duty of the city engineer in such city, and he is hereby required, immediately upon the receipt by the city council of such city of the certificate of the said board of public affairs provided for in section three of this act, to proceed at once to make a proper plat and assessment for the cost of the construction of said sewer or sewers upon the abutting property.

SECTION 10. The term owner in this act shall be construed to include all persons, corporations, private, public, state or municipal.

SECTION 11. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 267.]

AN ACT

To amend section 550, as amended April 14, 1888, and to repeal sections 551 and 552 of the Revised Statutes of Ohio, as amended February 7, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 550 of the Revised Statutes of Ohio, as amended April 14, 1888, be amended so as to read as follows:

Sec. 550. When a judge of the common pleas court is interested in any cause or matter pending before the court in any county of his district, or is related to, or has a bias or prejudice either for or against, either or any party to such cause, or is otherwise disqualified to sit in such cause or matter, and there is no other judge in the same subdivision who is not so disqualified, on the filing of an affidavit of either or any party to such cause or matter, or of his or her counsel, setting forth the fact of such interest, bias, prejudice or disqualification, the clerk of the court shall enter the fact of the filing of such affidavit on the trial docket in such case, and forthwith notify the supervising judge, or if he be disqualified as aforesaid, a judge of some other subdivision who is qualified, of the district, who shall proceed in the same manner as provided in section 469 of the Revised Statutes of Ohio, to designate and assign some other judge of the district not so as aforesaid disqualified, to hold the court and try the cause where the same is pending; and it shall thereupon be the duty of the judge so assigned, to proceed and try such cause.

Change of
venue in com-
mon pleas
court when
judge is dis-
qualified to sit.

SECTION 2. That said section 550, as amended April 14, 1888, and sections 551 and 552, as amended February 7, 1885, be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 544.]

AN ACT

To amend sections 7039 and 7041, as amended May 2, 1885, and to amend section 7066 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 7039 and 7041, as amended May 2, 1885, and section 7066 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 7039. Whoever gives any money, property, fee or offering, bribes

for votes at
primary elec-
tions; penalty.

reward of any kind or nature, directly or indirectly, for the vote, or for the influence of any person in favor of or against any candidate for nomination at any election held under the provisions of law relating to primary elections, or at any primary election held by any political party, whether the same be held in pursuance of the laws relating to primary elections within this state, or otherwise, shall be fined not less than one hundred dollars, and be imprisoned in the penitentiary not more than two years.

Bribery of
delegates or
electors.

Sec. 7041. Whoever gives directly or indirectly any reward, fee, money or property to influence the vote of any delegate or any elector in favor of or against any candidate, or for any labor or service rendered to any candidate for nomination or election, or to be rendered to any candidate for nomination or election to any office whatever, or for any expense incurred, shall be fined not more than five hundred dollars, and be imprisoned in the penitentiary not more than five years.

Prosecutions.

Sec. 7066. Prosecutions under the sections 7039 to 7065, inclusive, must be commenced within six months after the commission of the act complained of. Penalties for the violation of section seven thousand and sixty-four shall not apply to the payment of an assessment made by a regularly organized committee for legitimate election expenses of the party to which the candidate belongs.

SECTION 2. That sections 7039 and 7041, as amended May 2, 1885, and section 7066 of the Revised Statutes be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 575.]

AN ACT

To amend section 2411, Revised Statutes of Ohio, as amended February 1, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2411 of the Revised Statutes of Ohio, as amended February 1, 1887 (O. L., vol. 84, page 10), be amended to read as follows:

Assessment
and collection
of water rents.

Sec. 2411. For the purpose of paying the expenses or conducting and managing the water-works, the trustees or board shall have power to assess and collect, from time to

time, a water rent of sufficient amount, in such manner as they may deem most equitable, upon all tenements and premises supplied with water; and where more than one tenant or water taker is supplied with water from one hydrant, or off the same pipe, and when the assessments therefor shall not be paid when due, the board shall look directly to the owner of the property for the entire rent, or so much thereof as remains unpaid for water furnished said premises, to be collected in the same manner as other city taxes, except that in cities of the first grade of the first class, the council shall, upon the recommendation of the board, provide for assessing the cost and expenses of laying or extending water mains upon the lots and lands bounding or abutting upon the streets, lanes, alleys, highways, market spaces, public landings and commons in or along which such water mains are laid or extended, by the foot front, or according to the valuation of the same on the tax-list, or according to the benefits, as they shall determine.

Cincinnati.

SECTION 2. This act shall take effect and be in force from and after passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 603.]

AN ACT

Supplementary to chapter 3, division 7, title XII, of the Revised Statutes of Ohio (Revised Statutes, sections 2232 to 2261, inclusive).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county having a population of 48,602 by the last federal census, or which may have such population at a subsequent census, any corporation heretofore organized to supply water to any municipal corporation, and its inhabitants, and actually [engaged] in such supplying, shall have the same right to appropriate, enter upon, and hold real estate for its water-works as such municipal corporation would have if it was the owner of said water-works; and may proceed in its own name, under the provisions of chapter 3, division 7, title XII, of the Revised Statutes of Ohio, to make such appropriation the same as such municipal corporation might proceed if it owned said water-works.

Authorizing certain corporations to appropriate lands for water purposes.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 624.]

AN ACT

To create the office of "comptroller" in cities of the second grade of the first class, and to prescribe his duties.

"Comptroller" in certain cities. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second grade of the first class, the accounts of said city shall be under the charge of an officer to be known as the "comptroller."

How appointed; term. SECTION 2. That said comptroller shall be appointed by the mayor, without the advice and consent of the council, on the first Monday in May, A. D. 1890, and every three years thereafter, and he shall hold his office for the term of three years; provided, that the present city auditor shall hold his office for the remaining portion of the term for which he was elected; and it shall be his duty to carry out the provisions of this act while he remains in office. If any comptroller or the present city auditor shall prove to be incompetent to perform the duties of the office he shall be removed by the mayor.

General duties of comptroller. SECTION 3. It shall be the duty of the comptroller to keep accurate accounts of all taxes and assessments, and of all moneys due to, and of all receipts and disbursements made by the city, and of all assets and liabilities, and he shall have power to prescribe the form of reports and accounts to be rendered to his department, and the form and method of keeping the accounts of all other city officials or employees, and shall have at all times the inspection and revision of said accounts. Whenever any claims shall be presented to the comptroller, he shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee of any department of the city, or any other person, and examine him or her upon oath or affirmation relative thereto, which oath or affirmation he may administer. The comptroller shall at any time upon the request of the mayor or council, make such report touching upon the financial condition of the city as a whole or of any of the departments or accounts of the city. If the comptroller shall draw a warrant for any claim contrary to law or ordinance he and his sureties shall be individually liable for the amount of the same to the holders thereof. He shall audit the accounts of the several departments, the accounts of all officers and all other accounts in which the city is concerned. Detailed daily reports shall be made by every department of the city to the comptroller, showing receipts of all moneys by said departments respectively, and the disposition of the same.

Further duties. SECTION 4. He shall perform such other duties as are now prescribed by law and ordinance for auditors of cities of the second grade of the first class, or that may hereafter be duly prescribed by law and ordinance.

Bond. SECTION 5. He shall give bond in such sum and receive such salary as may be fixed by the council.

SECTION 6. That sections 1708 and 1711 of the Revised Statutes, so far as they conflict with the provisions of this act, be and the same are hereby superseded.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 948.]

AN ACT

To supplement section 247 of the Revised Statutes, empowering the commissioner of railroads to require gates or flagmen at dangerous crossings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted as supplementary to section 247 of the Revised Statutes, with sectional numbering as follows:

Sec. 247a. When, in the opinion of the commissioner of railroads, the public safety requires that a gate or gates be erected and maintained at any place where a public road or street is crossed at the same level by any railroad, and which crossing has been declared by said commissioner to be a dangerous one, or that a flagman be stationed and maintained at such dangerous crossing, he shall give to the superintendent, manager or other officer in charge of such railroad, a written notice that the same is required, and such company, person or corporation owning or operating such railroad shall erect or station the same within such time thereafter as said commissioner shall prescribe. Any company, person or corporation neglecting or refusing to erect or maintain such gate or gates, or to maintain such flagman, when so required as aforesaid, shall forfeit and pay to the state, for every such neglect or refusal, the sum of one hundred dollars, and the further sum of ten dollars for every day while such neglect or refusal shall continue.

When railroad companies must erect gates at crossings.

Sec. 247b. All gates which by the provisions of this act are under the direction of the commissioner of railroads, shall be built in such manner, and within such time, and of such material as shall be approved by the commissioner of railroads, and shall be located on the highway or street, on one or both sides of the railroad track or tracks, as the commissioner may deem the public safety to require, and shall be so constructed as, when closed, to obstruct and prevent any passage across such railroad or railroads from the side on which such gate may be located. There shall be a person in charge of every such gate, and it shall be his duty to close the same at the

Must be approved by commissioner railroads

Penalty for
violation of
this act.

approach of every train of cars, or of a locomotive, and to keep it open at all other times. For every neglect of such duty, such person, upon conviction thereof, shall pay the sum of twenty-five dollars. When more than one railroad crosses a public highway or street at such dangerous crossing, the expense incurred in the erection and maintenance of the gates provided for in this section, and of the necessary gate-keepers, or of a flagman, shall be shared equally by the railroad companies alongside whose tracks the gates shall be located.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1009.]

AN ACT

To amend section 2938 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2938 be amended [to read] as follows:

To prevent
loitering with-
in seventy-five
feet of polls.

Sec. 2938. Judges of election shall, if requested, permit the respective candidates, or not exceeding three of their friends, to be present in the room where the judges are during the time of receiving and counting out the ballots; and at all elections held within boundaries of any municipal corporation during the receiving and counting of the ballots no person shall congregate or loiter upon the streets, alleys and sidewalks within seventy-five feet of the polling place of any election, or in an manner hinder or delay any elector in reaching or leaving the place fixed for casting his ballot, or within such distance of seventy-five feet to give or to tender or exhibit any ballot or ticket to any person other than a judge of election, or to exhibit any ticket or ballot which he intends to cast, or solicit or in any way attempt to influence any elector in casting his vote. In the discharge of their duties, the judges of elections may, if necessary, appoint and require any elector or electors to aid them in making known their orders or directions and in enforcing the peace. The judges of election, or any of them, may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting if he is entitled so to do. The sheriff, and all constables, policemen, and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the judges at any election in execution of the provisions of this section. Any person willfully refusing or neglecting to perform any of the duties of this section prescribed, shall be fined not less than five dollars nor more than one thousand dollars, or im-

Penalty for
violation of
this act.

prisoned in the county jail not less than five days nor more than thirty days, or both; provided, that nothing in this section shall be so construed as to conflict with sections 2926 to 2926w, inclusive.

SECTION 2. That section 2938 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1027.]

AN ACT

To amend section 3048 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3048 of the Revised Statutes of Ohio, as amended April 28, 1886, be so amended as to read as follows:

Sec. 3048. Officers shall take rank from date of commission; provided, however, that an officer who has served continuously in the same grade for more than one term, either by re-election or re-appointment, shall take rank from the date of his first commission in that grade; and that an officer who has served in the same grade for five years, or more, and who, having retired therefrom, shall re-enter the service in the same grade, shall receive credit in rank for the full period of his former service in said grade.

Rank to date
from date of
commission.

SECTION 2. That said section 3048 of the Revised Statutes of Ohio, as amended April 28, 1886, be and the same is hereby repealed.

SECTION 3. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1422.]

AN ACT

Supplementary to section 3806 of the Revised Statutes, as amended April 18, 1888 (vol. 85, p. 288), with sectional numbering as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted and known as section 3806a:

Loans by savings banks in counties containing a city of the second grade, first class; how made.

Sec. 3806a. Provided, that any savings bank in a county containing a city of the second grade of the first class, having in its articles of incorporation expressed the purpose to loan money upon pledges of personal property, it shall, as to all such loans, be subject to all laws and ordinances governing pawnbrokers; and such corporation having in its articles of incorporation such purpose so expressed, may invest its funds in loans upon personal property left with such corporation in pledge, not exceeding fifty per cent. of the cash value of such pledge, and upon such loans such corporation may charge and collect a rate of interest not exceeding one per cent. per month, and in addition to the cost of rent, insurance and storage, not exceeding one-half of one per cent. a month. In all cases where such corporation does a general pawnbroking business, the articles received in pledge shall be kept for ninety (90) days after the loan becomes due, when, if not redeemed, they shall be sold, and the proceeds of such sale after payment of interest, costs of loan, storage, as hereinbefore provided, and the reasonable expenses of sale, shall be credited to the party [to whom] the loan was made and paid upon demand, together with any interest which may accrue thereon under the rules of such corporation governing deposits; provided, that any such corporation having expressed in its charter "to loan money upon pledges of personal property," shall have the same condition printed in all pass or deposit books and a notice conspicuously displayed in said bank stating that loans are so made by such corporation. And no corporation shall advertise by newspaper or letter-head, or in any other way, a larger capital stock than has actually been paid in.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed April 15, 1889.

[House Bill No. 1428.]

AN ACT

Designating the rank and pay of officers [and drivers] in the police patrol service in cities of the second grade of the first class.

Officers and drivers in police patrol service in certain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the second grade of the first class, the officers now in charge of any police patrol station in such city shall take the rank and receive the same pay as sergeants, and any driver of a patrol wagon belonging to any such station shall take rank and receive the same pay as patrolmen; and such officers and drivers shall hereafter be subject to all ordinances, rules, regulations and statutes governing sergeants and patrolmen in any other branch of the police service in such cities.

SECTION 2. This act shall take effect and be in force on and from its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1430.]

AN ACT

To amend section 4497 of the Revised Statutes of Ohio, as amended April 20, 1881 (78 v., p. 209).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4497 of the Revised Statutes of Ohio, as amended April 20, 1881 (78 O. L., 209), be amended so as to read as follows:

Sec. 4497. When a ditch needs to be cleaned out, any owner of any lot or tract of land, which was assessed for its construction, may make a statement to the county commissioners in writing, setting forth such necessity, and the commissioners shall forthwith appoint a disinterested freeholder of the county, or a surveyor or engineer, to examine the ditch, who shall be sworn to go upon the line thereof and carefully make such examination, and make an estimate of the amount of money required therefor, and fix the portion thereof that the owner of each lot or tract of land, and each corporation, county, or township assessed for the construction of the ditch, or that may be benefited by such cleaning out of the ditch, should be assessed for such cleaning out; and such assessment shall be made according to benefit, unless the necessity for the cleaning out arose from the act or neglect of any landowner or corporation, in which case such act or neglect shall be considered.

Expense of
cleaning out
ditch; how
apportioned.

SECTION 2. That said section 4497 of the Revised Statutes, as amended April 20, 1881, is hereby repealed.

SECTION 3. That this act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 42.]

AN ACT

To amend section 5381 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5381 of the Revised Statutes of Ohio be so amended as to read of follows:

Writ of execution.

Sec. 5381. The writ of execution against the property of the judgment debtor issuing from any court of record, shall command the officer to whom it is directed, that of the goods and chattels of the debtor he cause to be made the money specified in the writ, and for want of goods and chattels, he shall cause the lands and tenements of said debtor to be sold for cash. But if the court rendering the judgment or decree so orders, real estate may be sold under writ of execution, on the following terms: one-third cash on the day of sale, one-third in one year, one-third in two years thereafter, with interest on deferred payments, to be secured by mortgage on the premises so sold. But an execution issued on a judgment rendered against a partnership firm, by its firm name, shall operate only on the partnership property, and the exact amount of the debt, damages and costs, for which the judgment is entered, shall be endorsed on the execution.

SECTION 2. Original section 5381 of the Revised Statutes of Ohio is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 15, 1889.

[House Bill No. 951.]

AN ACT

To amend section four hundred and forty of the Revised Statutes of Ohio, as amended April 6, 1888 (O. L., vol. 85, pp. 164 and 165).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four hundred and forty of the Revised Statutes of Ohio, as amended April 6, 1888 (O. L., vol. 55, pp. 164 and 165), be amended so as to read as follows:

Order in which cases shall be docketed and heard.

Sec. 440. All cases brought in or taken to the court shall be entered on the docket in the order in which they are commenced, received or filed, and they shall be taken up and disposed of in the same order, except that the court may take up and dispose of the following classes of cases in advance of their order on the docket: Cases where the persons seeking relief have been convicted of felony; cases involving the valid-

ity of any tax levied or assessment made, or the power to make such levy or assessment; cases involving the construction or constitutionality of any statute, or any question of practice, where the questions arising are of general public interest; and proceedings in quo warranto, mandamus, procendo [procedendo?] or habeas corpus; and cases of general interest to the public, where two or more of the circuit courts of the state have held the law directly opposite upon like facts; where the relief sought is damages for personal injury, or for death caused by negligence, and the person injured makes affidavit that he is, or, in case of death, the widow, or any of the next of kin to the deceased, makes affidavit that they are dependent for their livelihood upon their daily labor; and when any case is reached in its order, and there are other cases on the docket involving the same question, or some of them, the latter may be taken out of their order and disposed of with the case so reached; and when a case is disposed of, and again comes into court, it shall be taken up as if it had its original place on the docket. And this section shall apply to all actions now pending as well as those hereafter to be brought.

SECTION 2. That said original section 440, as amended, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 15, 1889.

[Senate Bill No. 243.]

AN ACT

Amendatory of and supplementary to section 3184, as amended January 26, 1887, and to amend section 3185, as amended March 5, 1887, of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 3184, as amended January 26, 1887, and section 3185, as amended March 5, 1887, be so amended as to read as follows, and that the other sections of this act be enacted as supplementary to said section 3184 of the Revised Statutes of Ohio, with sectional numbering as herein provided:

Sec. 3184. A person who performs labor, or furnishes machinery or material, for constructing, altering, or repairing a boat, vessel, or other water-craft, or for erecting, altering, repairing, or removing a house, mill, manufactory, or any furnace or furnace material therein, or other building, appurtenance, fixture, bridge, or other structure, or for the digging, drilling, or boring of any gas well, oil well, or any other well, by virtue of a contract with the owner, or his authorized agent,

Lien upon
watercraft,
building,
bridges, etc.

shall have a lien to secure the payment of the same, upon such boat, vessel, or other water-craft, or upon such house, mill, manufactory, or other building, or appurtenance, fixture, bridge, or other structure, or upon such gas well, oil well, or any other well, and upon the material and machinery so furnished, and upon the interest of the owner in the lot of [or] land on which the same may stand, or to which it may be removed.

Leasehold

Sec. 3184b. Every building erected, or other improvement made, or machinery or material furnished, mentioned in section 3184, on leased lots or lands, shall be held for debt contracted for or on account of same, and also the leasehold term for such lot and land on which the same is erected or made; and in case the lessee shall have forfeited his lease, the purchaser of the building and leasehold term, or so much thereof as remains unexpended [unexpired], shall be held to be the assignee of such leasehold term, and as such shall be entitled to pay to the lessor all arrears of rent, or other money, interests, and costs due under said lease, unless the lessor shall have regained possession of the leasehold land, or obtained judgment for the possession thereof, on account of the non-compliance by the lessee with the terms of the lease, in which case the purchaser of the improvements, under this act, shall have the right only to remove the improvements within sixty days after he shall purchase the same, and the owner of the ground shall receive the rent due him, payable out of the proceeds of the sale, according to the terms of the lease, down to the time of removing the building.

Penalty for wrongful use of material purchased by contractor.

Sec. 3184c. Any contractor or sub-contractor who shall purchase materials on credit, and represent at the time of purchase that the same are to be used in a designated building, or other improvement, and shall thereafter use, or cause to be used, the said materials, in the construction of any building or improvement other than that designated, without the written consent of the person of whom the materials were purchased, with intent to defraud such person, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars.

Lien upon contiguous lots or separate buildings.

Sec. 3184d. When the improvement consists of two or more buildings united together, and situated upon the same lot, or contiguous lots, or upon separate buildings upon contiguous lots, and directed under one general contract, it shall not be necessary to file a separate lien upon each building for the work done or material furnished in the erection of such improvements.

Action.

Sec. 3184e. In all cases where a lien shall be filed, under the provisions of this act, by any person other than a contractor, it shall be the duty of the contractor to defend any action brought thereupon at his own expense; and during the pendency of such action the owner may withhold from the contractor the amount of money for which such lien shall be filed; and in case of judgment against the owner or his property, upon the lien, he shall be entitled to deduct from any amount due by him to the contractor the amount of such judgment and costs, and, if he shall have settled with the contractor in full, shall be entitled to recover back from the con-

tractor any amount so paid by the owner for which the contractor was originally the party liable.

Sec. 3184f. Every person, including cestui que trusts, for whose immediate use, enjoyment, or benefit any building, erection, or improvement shall be made shall, under this act, be included in the words owner or proprietor.

Sec. 3185. Such person, in order to obtain such lien, shall, within four months from the time of performing such labor, or furnishing such machinery or material, file with the recorder of the county where the labor was performed, or the machinery or material furnished, an affidavit containing an itemized statement of the amount and value of such labor, machinery, or material, and a description of any promissory note or notes given for such labor, machinery, or material, or any part thereof, with all credits and offsets thereon, a copy of the contract, if it is in writing, a statement of the amount and times of payment to be made thereunder, and a description of the land on which the gas well, oil well, or other wells are situated, or the land on which the house, mill, manufactory, or other buildings, or appurtenance, fixture, bridge, or other structure may stand, or to which it may be removed; and the same shall be recorded in a separate book to be kept therefor, and shall operate as a lien from the date of the first item of the labor performed, or the machinery or material furnished upon or toward the property designated in the preceding section, and the interest of the owner in the lot or land on which the same may stand, or to which it may be removed, for six years from and after the date of the filing of such attested statement. If an action be brought to enforce such lien within that time the same shall continue in force until the final adjudication thereof; and there shall be no homestead or other exemption against any lien under the provisions of this chapter.

SECTION 2. That section 3184, as amended January 26, 1887, and section 3185, as amended March 5, 1887, are hereby repealed; and this act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 305.]

AN ACT

To provide for the regulation of companies formed for the purpose of constructing and maintaining hotels, store-houses, factories, and other buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supple-

Authorizing
certain corpor-
ations to pur-
chase or lease
real estate.

mentary to chapter seventeen, title two, part second, of the Revised Statutes of Ohio, with sectional numbering as follows:

Sec. 3884a. A corporation organized for the purpose of constructing and maintaining buildings to be used for hotels, store-rooms, offices, warehouses, factories, shall be authorized to acquire by purchase or lease, and to hold, use, mortgage and lease all such real estate or personal property as may be necessary, for the purpose herein before mentioned; provided, however, that no such corporation shall acquire or mortgage any real or leasehold estate, or lease the same for a period exceeding (with all privileges of renewal) the term of five years, without the consent of the holders of two-thirds of the stock, obtained at a meeting called for that purpose, written notice of which shall have been given to each stockholder, either personally, or deposited in the post-office, properly addressed and duly stamped, not less than ten days before the day fixed for such meeting. Nothing herein shall be construed as authorizing corporations to buy and sell, or to deal in real estate for profit.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 368.]

AN ACT

Prescribing the rate of state taxes, and to repeal an act therein named (O. L., v. 82, p. 124).

Prescribing;
the rate of
state taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be levied, annually, taxes for state purposes, on each dollar of valuation of taxable property for general revenue purposes, one mill and four-tenths of one mill, the same to be styled the "general revenue fund." For the payment of interest, and constitutional reduction of the principal of the public debt of the state, three-tenths of one mill, said fund to be styled the "sinking fund." For the support of common schools, one mill, said fund to be styled the "state common school fund."

SECTION 2. That the act "prescribing the rates of state taxes, and to repeal an act therein named," passed April 16, 1885 (O. L., v. 82, p. 124), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 449.]

AN ACT

To amend section fifty-three hundred and ninety-four of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5394 of the Revised Statutes be so amended as to read as follows:

Sec. 5394. In any county in which there is a city wherein is published and printed a newspaper in the German language, and which has a circulation of at least five hundred and fifty copies to bona fide subscribers within the county, the notice required by the preceding section shall, in addition to the publication therein required, be published in such newspaper in the German language, for the same time and in the same manner, if the appraised value of the property to be sold exceeds five hundred dollars, and if two or more such papers are printed and published therein, the publication may be in either, but the court shall, on motion of the defendant, and may without motion, for good cause, dispense with such publication, and in any county the court may, if it deem the interests of the defendant require it, direct the publication of the notice in a newspaper printed in the Bohemian language, in addition to the publication required by the preceding section, but no error or mistake in translation, or in any publication authorized by this section, shall delay proceedings, or affect the title of the property sold, and if any such error or mistake occur by the negligence of the publisher, he shall not be entitled to compensation for the publication.

Publication of
notices in
German news-
papers, etc.

SECTION 2. That original section 5394 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 465.]

AN ACT

To provide for the incorporation and regulation of companies for insuring their members against loss from death of domestic animals, and to amend sections 3686 and 3687, as amended February 27, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons of lawful age, residents of this state, not less than five, may associate themselves

Mutual protec-
tive associa-
tion.

together for the purpose of becoming a body corporate, and may insure themselves, and any person becoming a member of such incorporation, in accordance with the rules and regulations of such corporation, against loss, from death, of domestic animals, and may assess and collect, upon and from each other, such sums of money, from time to time, as may be necessary to pay losses which occur, from death of domestic animals, to any member of such incorporation; and incidental expenses, and the assessments and collections of such sums of money shall be regulated by the constitution and by-laws of the corporation.

Certificate of
organization

SECTION 2. Such persons shall make and subscribe a certificate, setting forth therein—

1st. The name by which the corporation shall be known.

2d. The place which shall be chosen as its principal office.

3d. The object of the corporation, which shall only be to enable its members to insure each other against loss from death of domestic animals, and to enforce any contract which may be by them entered into, whereby they specifically agree to be assessed for the payment of losses and incidental expenses.

4th. Shall acknowledge the signing of such certificate before a notary public, or other officer authorized to take the acknowledgments of deeds and mortgages.

Certificate to
be filed with
secretary of
state

SECTION 3. The certificate shall be filed in the office of the secretary of state, and a copy thereof, duly certified by the secretary of state, shall be evidence of the existence and due incorporation of such company for the purposes therein named.

Election of
officers

SECTION 4. When such certificate is so filed, and a copy thereof, so certified, forwarded to the company, the persons named therein shall elect their directors, and a president, secretary and treasurer, and such other officers as may be necessary for the complete performance of all the business and objects of the company herein provided for, to serve for one year, or until their successors are duly elected and qualified. Such officers shall thereafter be elected annually, by the members of the association, at such time as shall be fixed upon in the constitution; and such company so organized shall be known and held to be a body corporate, for the purpose aforesaid, and may sue and be sued, and plead and be impleaded, in all courts of law and equity; but in no instance shall the power to insure against loss by death of domestic animals be exercised to others than the members of the company; and no such company shall receive applications nor issue policies to persons not bona fide residents of Ohio.

Constitution
and by laws

SECTION 5. Every such company shall adopt such constitution and by-laws, not inconsistent with the constitution and laws of this state and the United States, as will, in the judgment of its members, best subserve the interest and purposes of the company; and all persons who obtain insurance in such company shall thereby become members thereof, with power to vote at all regular meetings of such members, upon

all subjects, and shall be held, in law, to comply with all the provisions and requirements of the company; and the president, or vice-president, and secretary of every such company, shall annually, on the first day of January, or within thirty days thereafter, prepare, under oath, and deposit in the office of superintendent of insurance, a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting such facts as are enumerated in section thirty-six hundred and fifty-four of the Revised Statutes of Ohio, and applicable to such companies, and such other information as is necessary to reveal the financial condition and general management of such company, as the superintendent of insurance may require in printed form, to be, by him, supplied to such companies for that purpose; and every such company failing to make and deposit such statement, or to reply to any inquiry of the superintendent, shall be subject to a penalty of five hundred dollars, and an additional five hundred dollars for every month that it continues thereafter to transact any business of insurance, and shall forfeit its right to do the business contemplated by this act, which forfeiture the superintendent shall enforce by proceedings in quo warranto.

Annual statement to commissioner of insurance.

SECTION 6. The superintendent of insurance may, whenever he may deem it advisable, cause an examination of the affairs of such company or corporation to be made by one or more disinterested persons, at the expense of the company, such expense not to exceed five dollars per day for each person so employed; and if, upon such examination, it shall appear that such company or corporation is exercising powers or franchises contrary to law, the superintendent of insurance shall institute proceedings in quo warranto against the same, and if it be found, in such proceedings, that such company or corporation has exercised powers or franchises contrary to law, a forfeiture of its right to do business shall be declared.

Examinations by commissioner of insurance.

SECTION 7. No company organized under this act shall issue any certificate or policy of insurance until bona fide applications for insurance to the amount of fifty thousand dollars shall have been filed with the secretary of such company, and a statement of such fact sworn to by such secretary and president of such company, filed with and approved by the superintendent of insurance. Nor shall the treasurer of such company receive any money, as such treasurer, until he shall have filed with the superintendent of insurance, payable to the state of Ohio, for the benefit of the members of such company, his bond, in the sum of ten thousand dollars, with security, to be approved by the superintendent. Such bond shall be conditional for the faithful application of all money coming into his hands as such treasurer.

Amount of applications for insurance required before commencing business.

SECTION 8. When the statement of the secretary and the president, and the bond of the treasurer, provided for by the preceding section, shall have been filed and approved by the superintendent of insurance, the superintendent shall issue, to such company, his certificate, certifying such fact, and such certificate shall constitute the authority of such company to commence business.

When company may commence business.

When charter
may be for-
feited

SECTION 9. Should the amount at risk in such company, at any time, become reduced below fifty thousand dollars, such company shall issue no more certificates or policies of insurance until bona fide applications, sufficient to restore such insurance to said amount, shall have been secured, and a sworn statement of such fact shall have been filed with and approved by the superintendent of insurance, and by him certified to the company; and should such company fail to so restore such amount, for the period of six months, then such company shall forfeit its right to do [the] business contemplated by this act; and when the liabilities of such company shall exceed three per cent. of the amount of risk in force, as determined by the last preceding assessment, such company shall be deemed to be insolvent, and to have forfeited its charter; and such forfeiture shall be enforced by the superintendent of insurance by proceedings in quo warranto.

Bond of sec-
retary and
treasurer.

SECTION 10. The treasurer and secretary of such companies shall give bond for the faithful performance of their duties, to the directors or trustees of the company, in such sum and with such security as shall be prescribed in the by-laws of the company, the security to be approved by such directors or trustees.

Directors.

SECTION 11. The directors or trustees of such company shall, before qualified, take an oath, to be administered by any officer authorized to take acknowledgments of deeds, to faithfully perform the duties required of them as such officers.

Statement of
secretary and
bond of treas-
urer to be filed
with commis-
sioner of
insurance.

SECTION 12. Any company or association, organized under sections 3686 and 3687 of the Revised Statutes of Ohio, as amended February 27, 1885, for the purpose of insuring its members against loss from death of domestic animals, and still doing business, shall, within ninety days after the passage of this act, file the statement, and the treasurer shall file his bond as provided in section 7 of this act, and, failing so to do, shall forfeit the right to do the business contemplated by this act.

Mutual fire
associations,
etc

SECTION 13. That sections 3686 and 3687, as amended February 27, 1885, be amended so as to read as follows:

Sec. 3686. Any number of persons of lawful age, residents of this state, not less than ten in number, may associate themselves together for the purpose of insuring each other against loss by fire and lightning, cyclones, tornadoes, or wind storms; and may make, assess and collect, upon and from each other, such sums of money, from time to time, as may be necessary to pay losses which occur by fire and lightning, cyclones, tornadoes, or wind storms, to any member of such association, and the assessment and collection of such sums of money shall be regulated by the constitution and by-laws of the association.

Certificate of
organization.

Sec. 3687. Such persons shall make and subscribe a certificate setting forth therein:

First. The name by which the association shall be known.

Second. The place which shall be regarded as its center or business office.

Third. The object of the association, which shall only be to enable its members to insure each other against loss by fire and lightning, cyclones, tornadoes, or wind storms, and other casualties, and to enforce any contract which may be by them entered into, by which those entering therein shall agree to be assessed specifically for incidental purposes and for the payment of losses which occur to its members.

SECTION 14. That said original sections 3686 and 3687, as amended February 27, 1885, be and the same are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 468.]

AN ACT

To prevent the erection of dangerous buildings for public use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person, society, firm, agent, representative of any private or corporate authority or society; or any committee, commission, or board acting under any authority whatsoever, to erect or cause to be erected; or for any architect, engineer, builder or other person to furnish any plan, description or specification for the purpose of erecting in the state of Ohio any structure, room or place where persons are invited, expected, or permitted to assemble; or for the purpose of entertainment, judgment, amusement, instruction, betterment, treatment, or care; or to make any addition to or alteration therein, which shall in construction, arrangement, or means of egress be dangerous to the health or lives of persons so assembled.

To prevent the
erection of
dangerous
buildings.

SECTION 2. In every such structure, room or place, capable of containing fifty or more persons, the stairways and approaches thereto and all doorways and escapes therefrom, in their aggregate width, shall be of sufficient capacity to allow any audience which can be accommodated therein to escape therefrom in four minutes, moving at a rate of two feet per second, and allowing four square feet of floor space to each person, then adding for hindrance two feet to the width of each opening, passage or stairway. The doors from the same shall open outward, but no such room, or place (unless the structure be fire-proof) which is over six feet from the surface of the lot shall have less than two doors, stairways or exits. The floors of such structures, and all hallways, stairways.

Capacity of
stairways, ap-
proaches,
doorways, etc.

Floors.

Roof.

Walls

Piers, pillars
and columns

Fire-escape

corridors, balconies and galleries therein or therto shall be capable of sustaining a live load of 100 pounds per square foot, with a safety factor of five. All supports for floors or other parts of such structures shall be fully capable of sustaining the aggregate loads and pressures above provided for in addition to any rythmical or vibrating motion which may be caused in the use of such structure. The roof or covering of such building shall be capable of sustaining a live load of thirty pounds of vertical pressure and a horizontal wind pressure of forty pounds per square foot, with safety factor of five. When walls supporting floors are of common brick work, the minimum of thickness and the maximum of height, supposing the length to equal the height, shall be where no openings occur, 9-inch wall, 10 feet, used inside only; 13-inch wall, 20 feet; 17-inch wall, 30 feet; 21-inch wall, 40 feet; 26-inch wall, 50 feet; 30-inch wall, 60 feet; but when thinner walls stand upon thicker walls the total height shall not exceed the one above given. Walls of hard brick, laid in cement, may be increased fifty per cent. above these dimensions. When walls between supports are of greater or less length than the height, the length may be increased two feet for each foot the height is reduced; or reduced one-half foot for each foot the height is increased, from the dimensions given in this section. When there are buttresses or pilasters extending to the foundations and projecting from the wall, the thickness of the wall may be reduced by one-half the depth of such projections, provided they occupy at least one-tenth of the surface of the wall, and the thickness of the intervening walls, considered separately, shall not be less than what has been given in this section; provided, however, that when any wall is strengthened by firm anchoring of girders, floors or roofs, such anchors not being more than twelve times the thickness of the wall from each other, either horizontally or vertically, the surface of such wall may be doubled. The thickness of level bedded stone walls to be the same as brick. For rough stone laid in courses, add twenty-five per cent. to the thickness for brick. Where openings occur, thicken the walls by their ratio of surface. All piers, pillars and columns shall be capable of sustaining the aggregated live load given and the weight of the building. All arches must contain the line of pressure within the middle one-third of the voussoirs. The greatest pressure allowed per square foot of good brick work shall be five tons; for work of hard brick, laid in first class cement, ten tons; for unbedded sandstone masonry, four tons; for second class masonry, eight tons; for first class masonry, twelve tons. Piers, columns, pillars and all marble, granite and limestone work, not over twenty per cent. of the crushing weight. Every such building, place or room, when above the second floor, shall be provided with at least one fire-escape, which shall be so placed as to be easily accessible, so marked that it may be generally understood, so constructed as to lead directly to the open air, and so designed as not to be dangerous for women and children, and shall be sufficiently enclosed to protect persons thereon from fire below, i. e., it shall be placed against a dead wall and be enclosed on three sides, and in

buildings where two or more assemblages occur, as in school houses, each room above the second floor must have an exit leading to a fire-escape. No fire-escape shall be less than twenty-four inches in clear width, with an additional one-fourth inch in width for each person (over fifty) to be accommodated thereby. The ventilating system or machinery shall be capable of changing the air in such room every thirty minutes; and all lavatories and water-closet places shall have double the above given capacity for ventilation; and all conveniences used in such buildings shall have soil and waste pipes fully ventilated to the outside air. The warming and lighting apparatus shall be arranged and constructed so as to be safe against explosion or fire. All smoke flues or pipes, unless lined with terra cotta or other fire-proof material of permanent character, shall not be nearer than eight inches to any combustible material, and not nearer than four inches in any case, nor shall any smoke flue, pipe or chamber of metal being or passing under wood work, be nearer thereto than twice the diameter of such pipe, flue or chamber, unless protected with suitable fire-proof guard with open space above. Every warm-air flue of metal shall be at least one-half inch from all wood work, and also completely covered with asbestos or other fire-proof wrapping, with circulation of air between it and the wood, and no wood shall be nearer than four inches to any such flue in brick work.

Ventilating,
lighting and
heating appa-
ratus.

SECTION 3. This act shall not apply to cities of the first class where the construction of buildings is regulated by statute under the direction of a building inspector; nor shall it be construed so as to interfere with existing laws relating to the inspection of buildings, but no certificate as now provided by law shall be issued for buildings hereafter erected, or alterations hereafter made (except in such cities of the first class), unless they conform to the requirements of this act.

Exceptions as
to application
of this act.

SECTION 4. Any person who violates any of the requirements of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than ten nor more than sixty days, or both, at the discretion of the court, and shall be also liable to any person injured by reason of his violation of the requirements of this act, and shall be also liable for criminal prosecution for loss of life.

Penalty for
violation of
this act.

SECTION 5. It shall be the duty of prosecuting attorneys to see that this law is enforced in their respective counties, and for each conviction of violation thereof they shall be entitled to a fee of twenty-five dollars, and such other sums as may be allowed by the board of county commissioners.

Prosecuting
attorney to en-
force provi-
sions of act.

SECTION 6. This act shall take effect and be in force within sixty days after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 476.]

AN ACT

Supplementary to an act passed April 14, 1888, entitled an act to amend section 930, as amended March 3, 1882.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 930 as amended, be amended so as to read as follows:

Trustees of
children's
home.

Superinten-
dent.

Matron, etc.

Sec. 930. When the necessary site and buildings are provided by the county, the commissioners shall appoint a board of three trustees, not more than two of whom shall be of the same political party, who shall hold their offices as follows: One for one year, one for two years, and one for three years, from the first Monday of March thereafter; and annually after said board is so constituted, the county commissioners shall, on the first Monday of March, appoint one trustee for said children's home, who shall hold his office for the term of three years, and until his successor is appointed and qualified; and said board of trustees shall designate some suitable person who shall act as superintendent of said home, and who shall also be clerk of said board of trustees; and he shall receive for his services such compensation as the board of trustees designate at the time of his appointment; and he shall perform all such duties, and give security for the faithful performance of them, as the trustees by law direct. The trustees shall not receive any compensation for their services, and the superintendent shall have the entire charge and control of said home, and the inmates therein, subject to such rules and regulations as shall be prescribed by the trustees; and said trustees may, upon the recommendation of the superintendent, appoint a matron, assistant matron and teachers, whose duties shall be the care of the inmates of said home, to direct their employment, giving suitable physical, mental and moral training to them. The matron shall, under the direction of the superintendent, have the control, general management and supervision of the household duties of said home, and the matron, assistant matron and teachers shall, each, perform such other duties, and receive for their services such compensation, as the trustees by by-laws from time to time direct; and they may be removed at the pleasure of the trustees, or a majority of them. The superintendent may suspend, temporarily, a matron, assistant matron or teachers, notice of which must be immediately given to the board of trustees, for their approval or disapproval; provided, that the trustees may, if in their judgment it is for the best interest of the home and of the county, dispense with a superintendent and authorize the matron to assume the entire charge of the home and its management.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 541.]

AN ACT

To amend an act defining the powers and prescribing the duties of the board of public works, passed May 14, 1878.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act defining the powers and prescribing the duties of the board of public works, passed May 14, 1878, be amended so as to read as follows:

Sec. 1. That the public works of the state shall be divided by the board of public works into three grand divisions, to be designated by such or numbers, as said board shall deem proper, and to be of such limits and extent as said board, from time to time, shall prescribe; and each member of the board of public works, or acting commissioner of said board, shall be assigned to one division and manage the same under the direction of said board, and be responsible to the extent of his power and authority for the due and faithful administration of such district or division.

Public works
to be divided
into divisions.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 617.]

AN ACT

To require the county commissioners in any county having a population at the census of 1880 of 64,031, and containing a city of the second class, third grade, to provide a depository for the county funds, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county having a population of 64,031 at the census of 1880, containing a city of the second class, third grade, it shall be the duty of the county commissioners to designate, in the manner hereinafter provided, a bank situated in the county seat of the said county as a depository of the money of the county.

Providing a
depository in
certain coun-
ties.

SECTION 2. The commissioners shall, on the taking effect of this act, and thereafter biennially, publish, in two newspapers published and of general circulation in the county, for two consecutive weeks, a notice which shall invite sealed proposals from all banks coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest, and not less than two per centum, they will pay

Advertisement
for proposals
from banks.

respectively for the use of the money of the county as provided herein; and each proposal shall contain the names of the sureties who will be offered upon the undertaking of the bank filing the same in case the proposal be accepted.

Opening of
proposals;
award, etc.

SECTION 3. On the Monday next following the last insertion of such notice, at the hour of twelve o'clock noon, the commissioners shall, in open session, open such sealed proposals, and shall award the use of the money of the county to the bank that offers the highest rate of interest therefor; and if two or more banks offer the same highest rate of interest, the use of the money may be awarded to either of them, or the commissioners may reject all proposals and advertise for others in the same manner aforesaid.

Undertaking
required of
depository.

SECTION 4. No such award shall be binding on any such county, nor shall any of the money of the county be deposited thereunder, until the hypothecation of the bonds provided for in section seven, and until there is executed by the bank selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the name of the county commissioners for the use of the county, in such sum as the commissioners may direct, which, in counties containing a city of the third grade of the second class, shall not be less than three hundred thousand dollars, and such undertakings shall each be signed by not less than six resident freeholders as sureties, who are not stockholders in the bank, to the satisfaction of the commissioners, and conditioned for the receipt, safe-keeping, and payment over, as provided herein, of all money which may come into its custody under and by virtue of this act, and under and by virtue of its proposal and the award of the commissioners, together with the interest thereon at the rate specified in the proposals; and the undertaking shall be further conditioned for the faithful performance by the bank of all the duties imposed by this act upon the depository of the money of the county.

Undertaking
to be approved
by prosecuting
attorney.

SECTION 5. Such undertaking shall not be accepted by the commissioners until it has been submitted to the prosecuting attorney, and certified by him to be in due and legal form and conformable to the provisions of this act, which certificate shall be indorsed thereon by the prosecuting attorney; and if any bank to which an award is made as aforesaid fail to execute an undertaking as required hereby to the acceptance of the commissioners, or fail to hypothecate [the bonds] as provided in section seven, within three days from the time the award is made, the commissioners may award the use of the money to any other bank whose written proposal offers the same rate of interest therefor as designated in the proposal of such defaulting bank, but if the written proposal of no other bank offers the same rate of interest they may award such use to any bank whose written proposal offers the next highest rate of interest therefor, the undertaking and hypothecation of bonds required to be executed in either case; or the commissioners may, in case of default as aforesaid, reject any or all bids, and advertise for others in the manner aforesaid.

SECTION 6. The bank to which an award is made shall, upon the acceptance by the commissioners of the undertaking provided for herein, become the depositary of the money of the county, and remain such until the undertaking of its successor is accepted by the commissioners; but the commissioners may, at any time they deem the same necessary, require additional security from the bank, in such sum as they shall designate; and if the bank refuse or neglect, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom forthwith, and may designate some other bank to be the depositary thereof temporarily, at such rate of interest, or without interest, as they may determine. Such removal, and all other removals under the provisions of this act, shall be made upon the written order of the commissioners; and the county auditor shall, upon the receipt of such order, issue his warrant, and the county treasurer his check, for the removal. If the money, in case of such removal, be deposited in a bank designated as a depositary temporarily, such bank shall, before the receipt by it of any such money, enter into an undertaking or hypothecation of the bonds as required by this act; but if no bank be so designated, the money shall be disposed of as provided in section eight.

When additional security may be required.

SECTION 7. The commissioners of any such county may, in lieu of the undertaking provided for by preceding sections, accept as security for money deposited as aforesaid interest-bearing bonds of the county, or the city in which the depositary is located, or bonds of the United States, the face value of which shall not be less than the sum specified in section four as the amount to be named in the undertaking in lieu of which such bonds are accepted; or they may accept such bonds as partial security, to the extent of their face value, for the money so deposited, and require an undertaking for the remainder of the full amount specified in said section to be named in the undertaking, and in the undertaking so required such acceptance of bonds as partial security, and the extent thereof, shall be set forth. The hypothecation of such bonds shall be by indorsement of the fact and purpose on the back of each, which endorsement shall stipulate that the bond shall be the property of the county in case of any default on the part of the bank in its capacity as depositary as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provision for the safe keeping of such hypothecated bonds; and the interest thereon, when paid, shall be turned over to the bank so long as it is not in default as aforesaid.

Hypothecation of bonds in lieu of undertaking.

SECTION 8. If, at any time, for any cause, the commissioners be unable to secure a depositary as provided by preceding sections, the money of the county shall remain in the custody of the county treasurer, if in his custody at the time, and if in a depositary, and its removal be ordered, it shall be removed to the county treasury, in the manner provided in section six for the removal, and in either case the treasurer shall be the custodian thereof until such time as a depositary is

When money to remain in county treasury.

secured in accordance with the provisions of this act; and while he remains such custodian the money shall be paid out by him on warrants of the auditor, which in such case shall not be in duplicate; and during such time he shall keep such books, and make to the auditor such statements of receipts and payments, as are required in case the money of the county is in the custody of a depository designated by the commissioners, except that they shall show that such money is in the custody of the treasurer instead of such depository.

Treasurer to
deposit funds
in depository.

How moneys
paid out by
treasurer.

When commis-
sioners may
apportion
taxes collected
in advance of
distribution.

Statements by
depository.

SECTION 9. The treasurer shall, upon the receipt of a written notice from the commissioners stating that a depository has been selected in pursuance of the provisions of this act, and naming the bank selected as such depository, deposit, to the credit of the county, all money in his possession, except as provided in section fourteen, in the bank constituted the depository as aforesaid, and thereafter he shall, before noon of each business day, deposit in such depository all money received by him the preceding business day, except as provided in section fourteen, and the commission may designate the hour of closing a business day, making a record thereof, and the treasurer shall observe the same, and such money shall be payable only on the check of the treasurer, which check shall not be valid or payable unless it have partly printed and partly written, on the same paper therewith, a duplicate of the warrant of the county auditor authorizing the payment of the sum for which the check is drawn. All warrants issued by the auditor upon the treasurer for the payment of money (except as provided in section fourteen, and also when the money of the county is in the custody of the treasurer), shall be drawn and signed in duplicate, one of which shall have printed upon its face the word "original," which shall be filed and kept by the treasurer in his office, and the other of which shall have printed upon its face the word "duplicate," and shall be and remain unsevered from the check of the treasurer. The auditor shall issue no warrant payable from any fund unless there is money belonging thereto for the payment thereof in full, notwithstanding the provisions of section eleven hundred and eight of the Revised Statutes; but when any fund is exhausted, and the commissioners are satisfied that, of the undivided money on hand received on account of taxes, the portion thereof that will belong to such fund upon the next semi-annual distribution of such money is in amount such that a part of it may judiciously be assigned to such exhausted fund in advance of such distribution, they may make an order, and the same shall be made a matter of record in the proceedings of the board of commissioners, directing such assignment, and the auditor shall notify the treasurer thereof in writing. All money deposited with the depository shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances, and such interest shall be placed to the credit of the county on the first day of March and the first day of September each year, or at any time when the account may be closed. The depository shall notify the auditor, in writing, before noon of each business day, of the amount of the de-

posits made by the treasurer for the preceding business day, and when the interest is credited to the county the depository shall notify the auditor and treasurer, in writing, of the amount thereof, before noon of the next business day, and all such interest shall be credited to the general fund of the county.

SECTION 10. Each business day the treasurer shall make to the auditor a sworn statement, showing for the preceding business day the total amount of money received by him, the total amount deposited in the depository, the total amount paid by check on the depository, the total amount paid out in cash, the balance in the depository, and the balance in the treasury; and he shall keep such accounts, in books to be provided for that purpose, as shall enable him to make such statements. All money paid to the treasurer, except for taxes and except also money received from the state treasury, shall be upon the order of the auditor, and the treasurer shall give receipts therefor, each of which shall be made and signed in duplicate, one of which shall have printed across its face the word "original," and the other the word "duplicate," and each duplicate shall be filed with the auditor on the day of its date; and each such receipt shall show the amount received, from whom received, and on what account, and shall state the fund to which the money is to be applied; provided, that in case of money received by the treasurer from the state treasury the triplicate warrant required by section ten hundred and eighty-five of the Revised Statutes to be transmitted to the auditor by the auditor of state shall take the place of the duplicate receipt above provide for, and the treasurer shall not give receipts for taxes in duplicate, but in lieu thereof shall, at the close of each business day, file with the auditor a statement of the amount of money received by him for taxes and penalties during the day.

Statement by
treasurer.

SECTION 11. The auditor shall keep in his office books in which shall be entered the daily receipts of the treasurer's office, as shown by the duplicate receipts returned to him by the treasurer, and by the statements of money received for taxes and the triplicate warrants mentioned in the preceding section, the amount of the deposits made by the treasurer each day in the depository, as shown by the daily statements of the depository to the auditor, and the amount remaining in the treasurer's hands in pursuance of section fourteen, or when the treasurer is custodian of all the money, as shown by the treasurer's daily statements received by him; and in such books the money received by the treasurer from taxes of all kinds shall be shown in an account entitled the "undivided tax account," and all other receipts by him shall be shown in accounts indicating the respective funds to which the money belongs. He shall enter in such books also the amount of warrants issued by him each day to the treasurer; and the accounts in such books shall be so kept as to show the balance of each fund, the balance of undivided money received for taxes, and the balance of the money received from the state treasury, and on account of school lands, each day, in his hands and in the hands of the depository respectively.

Duty of audi-
tor.

Statements of
treasurer to be
filed.

SECTION 12. Upon the receipt each day by the auditor of the sworn statement provided for in section ten, he shall certify thereon to its correctness, if, upon comparison with his books, it be found to be correct, and shall file such statement in his office; but if any such statement be found by the auditor at any time to be incorrect he shall forthwith give notice thereof to the treasurer, and unless the discrepancy be immediately discovered and corrected, he shall notify the commissioners thereof without delay.

How moneys
paid to state.

SECTION 13. Except as provided in sections eight and fourteen, the treasurer shall not pay out any money otherwise than by check on the depository, as provided in section nine. But before he issues a check in payment of any draft made upon him by the auditor of state in favor of the treasurer of state, for taxes collected, he shall exhibit such draft to the county auditor, and file with him a certified copy thereof, and the auditor shall thereupon immediately issue his warrant authorizing the treasurer to issue his check for the amount specified in the draft; and the same shall be paid on presentation, and before he remits to the treasurer of state any money on account of school lands he shall notify the auditor in writing of his readiness to do so, and of the amount, and the auditor shall file such notice, and issue his warrant authorizing the treasurer to draw his check upon the depository for the amount; but if the money for such payments be in the custody of the treasurer instead of a depository, the same proceedings shall be had, except that the warrants of the auditor shall authorize the payments otherwise than by such checks.

Witness and
jury fees.

SECTION 14. The treasurer shall pay in cash warrants issued by the auditor for the payment of fees of jurors and witnesses, and also warrants so issued payable from the soldiers' relief fund, and he may retain in his hands from day to day a sufficient amount of receipts of his office to enable him to do so, but the balance of money so withheld from deposit shall at no time be in excess of five thousand dollars; and warrants issued for the purposes aforesaid shall not be in duplicate; but if at any time the money so retained by the treasurer is entirely paid out, and the current receipts of his office are insufficient to pay such warrants, the auditor, if so authorized by the commissioners, shall issue his warrant to the treasurer authorizing him to draw his check upon the depository for the amount specified therein, which shall not be in excess of five thousand dollars, to pay such warrants.

Monthly state-
ment by audi-
tor.

SECTION 15. On the first business day of each month the auditor shall prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of money received to the credit of each fund and account, the amount disbursed from each, and the balance remaining to the credit of each, and also to the balance of money in the depository, the balance in the treasury in pursuance of section fourteen, and, if the money of the county be in the custody of the treasurer instead of a depository, the total balance thereof in the treasury, as shown by the reports filed with him, and the commissioner

shall place such statement on file, and forthwith post a duly certified copy thereof in the auditor's office, to remain so posted at least thirty days for the inspection of the public. On the day aforesaid some officer of the bank acting as the county depository shall file with the county commissioners all checks of the county paid and redeemed by the bank during the previous month; and the commissioners shall compare such checks with the records of the auditor's office, and if they find the same to correspond therewith they shall give the bank a receipt for the same, and shall forthwith cancel and file such checks in the office of the county auditor, who shall receipt to the county treasurer for the same, as is provided in section one thousand one hundred and eleven of the Revised Statutes.

SECTION 16. Nothing in this act shall be held or considered as in any manner changing or affecting the liabilities of treasurers of counties covered by its provisions, except that they shall not be held liable for any loss of money deposited by them in depositories as provided for herein while such money is in the custody of such depository.

Liability of
treasurer.

SECTION 17. An officer of any such county who willfully violates any provisions of this act, or willfully neglects or refuses to perform any duty thereby imposed upon him, shall, upon conviction thereof in the court of common pleas, be fined in any sum not exceeding ten thousand dollars, for the use of the county, or be imprisoned in the penitentiary not more than ten years nor less than one year, or both, at the discretion of the court.

Penalty for
violation of
this act.

SECTION 18. Any provision of the statutes of this state in force when this act takes effect, which conflicts with any provisions of this act, shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise in counties to which this act relates.

Certain stat-
utes superse-
ded.

SECTION 19. This act shall take effect on the first day of September, one thousand eight hundred and eighty-nine.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 618.]

AN ACT

To amend section 2702 of the Revised Statutes of Ohio, as amended April 18, 1883.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2702 of the Revised Statutes of Ohio, as amended April 18, 1883 (80 O. L., 178), be amended so as to read as follows:

Restrictions as
to contracts,
appropriations
and expendi-
tures.

Sec. 2702. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the appropriation or expenditure of money, be passed by the council or by any board or officer of a municipal corporation, unless the auditor of the corporation, and if there is no auditor, the clerk thereof, shall first certify that the money required for the contract, agreement or other obligation, or to pay the appropriation or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded; and the sums so certified shall not thereafter be considered unappropriated until the corporation is discharged from the contract, agreement or obligation, or so long as the ordinance, resolution or order is in force; and all contracts, agreements or other obligations, and all ordinances, resolutions and orders entered into or passed, contrary to the provisions of this section shall be void; provided, that in cities of the second grade of the first class, funds in the hands of the commissioners of the sinking fund of 1862, so-called, shall, when set apart by ordinance for any particular purpose, be deemed as money in the treasury for such purpose, within the meaning of this section; and further provided, that in said cities of the second grade of the first class, whenever any loan for the extension of water-works or construction of main sewers or of elevated roadways, has been authorized by law, the money to arise therefrom shall be deemed in the treasury for such purpose, within the meaning of this section. Provided further, that in cities of the second grade of the first class, contracts for street improvements extending for a period of one year upon which payments are to be made from time to time, as the work progresses, material is furnished, or service performed, such cities are authorized to enter into such contracts if the estimated expenditure thereunder does not exceed the taxes levied for such purposes during the term of the contract, and in such cases the certificate of the auditor as herein provided shall not be required other than to state the amount of the levy.

SECTION 2. That said section 2702, as amended April 18, 1883, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 625.]

AN ACT

Making additional appropriations for Wilberforce University.

Additional ap-
propriations
for Wilberforce
University.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated out of any moneys

in the treasury to the credit of the general revenue fund not otherwise appropriated, for combined normal and industrial department at Wilberforce University, two thousand dollars (\$2,000), the same being the balance due said institution under the provisions of an act passed March 19, 1887. And this amount shall be in full of all claims against the state by said university.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1413.]

AN ACT

Making appropriations to meet deficiencies and pay liabilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums of money to pay deficiencies and liabilities, as hereinafter particularly mentioned, to-wit:

Deficiency ap-
propriations.

Adjutant General's Department:

Care of military stores and freight on arms; bills as follows:

W. D. Fraser, twenty dollars (\$20.00).

O. J. Hopkins, fifty dollars and thirty cents (\$50.30).

C. W. Smith, seventeen dollars and twenty-five cents (\$17.25).

Engelke & Bigelow, seventy-eight dollars and ninety-nine cents (\$78.99).

L. E. Decker, twenty-six dollars (\$26.00).

Green, Joyce & Co., twenty-four dollars and twenty cents (\$24.20).

Expenses Shipping Roster Ohio Troops:

Slade & Kelton, one hundred and fourteen dollars and seventy-five cents (\$114.75).

Pay of Ohio National Guard in Camp:

Louis Smithknight, First Light Artillery, two hundred and thirty-four dollars (\$234.00).

Deficiency ap-
propriations.

J. C. Howe, Colonel Second Infantry, one hundred and ninety-four dollars (\$194.00).

F. H. Flick, Colonel Fifth Infantry, two hundred and fourteen dollars (\$214.00).

J. C. Entrekin, Colonel Sixth Infantry, two hundred and thirty-four dollars (\$234.00).

W. J. White, Colonel Thirteenth Infantry, one hundred and ninety-four dollars and fifty cents (\$194.50).

George D. Freeman, Colonel Fourteenth Infantry, two hundred and thirty-four dollars (\$234.00).

C. N. Keys, Colonel Sixteenth Infantry, two hundred and twenty-six dollars and fifty cents (\$226.50).

Governor's staff, three hundred and thirty-six dollars and eighty-nine cents (\$336.89).

Subsistence Ohio National Guard:

C. M. Lowenstein, four hundred and four dollars and fifty-eight cents (\$404.58).

George F. Wheeler, three hundred dollars (\$300.00).

Transportation Ohio National Guard:

Columbus and Cincinnati Midland railroad, for the year 1887, seven hundred and forty-six dollars and seventy-seven cents (\$746.77).

Cincinnati, Washington and Baltimore, for 1887, nine hundred and nineteen dollars and forty-three cents (\$919.43).

John G. Ahrens, for 1887, seventy-eight dollars and fifty cents (\$78.50).

For the Year 1888:

Cincinnati, Georgetown and Portsmouth railroad, ninety dollars and eleven cents (\$90.11).

Toledo transfer company, ten dollars (\$10.00).

Lake Shore and Michigan Southern railroad, one hundred and forty-four dollars and seventy cents (\$144.70).

Columbus transfer company, twenty-five dollars (\$25.00).

Cleveland, Columbus, Cincinnati and Indianapolis railroad, thirteen hundred and ninety-one dollars and forty-four cents (\$1,391.44).

Cincinnati, Sandusky and Cleveland railroad, thirteen hundred and seventy-nine dollars and twenty-six cents (\$1,379.26).

John G. Kennon, two hundred and forty-three dollars (\$243.00).

Charles Ritze, three dollars (\$3.00).

Cincinnati, Jackson and Mackinaw, one hundred and fifty-two dollars and forty cents (\$152.40).

Cleveland and Marietta railroad, two hundred and thirty-nine dollars and twenty cents (\$239.20).

Baltimore and Ohio railroad, seven hundred and twenty-three dollars and twenty-five cents (\$723.25). Deficiency Appropriations.

Cincinnati, Hamilton and Dayton railroad, one hundred and sixteen dollars and ninety-four cents (\$116.94).

New York, Lake Erie and Western, two hundred and fifty-eight dollars and ninety cents (\$258.90).

Wabash railroad, eighteen dollars (\$18.00).

Columbus and Cincinnati Midland, one hundred and forty-three dollars and eighty-four cents (\$143.84).

Cincinnati, Washington and Baltimore, four hundred and fourteen dollars and seventy-three cents (\$414.73).

Cleveland, Akron and Columbus, three hundred and fifty dollars and eighty cents (\$350.80).

Scioto Valley railroad, four hundred and forty dollars and seventy-five cents (\$440.75).

Horse Hire for Batteries:

N. B. Lemmon, sixteen dollars and sixty cents (\$16.60).

George A. Garretson, five hundred and forty dollars (\$540.00).

J. L. Brown, five hundred and twenty-eight dollars and eighty cents (\$528.80).

Forage for Horses:

J. L. Brown, balance on bill, six hundred and seven dollars and fifty-seven cents (\$607.57).

Overcoats and Blankets:

Ohio penitentiary, balance on bill due, five hundred and ninety-two dollars and eight cents (\$592.08).

Fuel, etc., Ohio National Guard:

A. C. Caine, bill lumber, one hundred and eighty dollars (\$180.00).

Orr, Brown & Price, bill mdse., sixty-one dollars (\$61.00).

George F. Wheeler, balance of bill for supplies, one hundred and sixty-two dollars and sixty-five cents (\$162.65).

H. A. Guitner, bill for labor furnished, one hundred and four dollars and seventy-five cents (\$104.75).

Slade & Kelton, bills lumber, two hundred and eight dollars and seventy-seven cents (\$208.77).

Freeman, Halm & McAllister, bill cots, pillows, etc., one hundred and ninety-four dollars and ten cents (\$194.10).

Green, Joyce & Co., bill grain sacks, sixty-three dollars (\$63.00).

Expenses of Ohio National Guard at Paulding County Reservoir:

O. B. Chesborough, balance on bill, forty-three dollars (\$43.00).

Deficiency ap-
propriations.

J. H. Smith, bill of provisions, thirteen dollars and eighty cents (\$13.80).

Expenses of Ohio National Guard to Zanesville, year 1887, and Ottawa, 1888, under call of the Sheriff:

Joseph Beckhart, Co. "B," Seventeenth Infantry, three hundred and thirty-seven dollars and twenty-seven cents (\$337.27).

H. A. Leslie, Battery "C," First Light Artillery, three hundred and forty-nine dollars and eighty-nine cents (\$349.89).

J. C. Howe, Colonel Second Infantry, thirty-two dollars and seven cents (\$32.07).

Hugh E. McClure, Captain Co. "I," Second Infantry, two hundred and eleven dollars and seventy-one cents (\$211.71).

To pay bill of J. W. Zentmeyer, one ambulance and stretchers, three hundred and forty-two dollars (\$342.00).

To pay Funeral Expenses of Philip Hest:

E. Fisher, bill, sixty-two dollars (\$62.00).

W. N. Bopes, bill, eight dollars and thirty-two cents (\$8.32).

Elder & Stakers, bill, fifteen dollars (\$15.00).

M. I. Wilcox, care, repair and freight on tents, one hundred and thirty-three dollars and seventy-eight cents (\$133.78).

Expenses of Ohio National Guard on Duty during the G. A. R. Encampment at Columbus, September 10 to 15, inclusive:

George D. Freeman, Colonel Fourteenth Infantry, four hundred and ninety-five dollars and twenty-four cents (\$495.24).

E. G. Bailey, Capt. Co. "A," Fourteenth Infantry, three hundred and fifty-eight dollars and thirteen cents (\$358.13).

C. C. Sleffel, Capt. Co. "B," four hundred and thirteen dollars and twenty-seven cents (\$413.27).

Henry Schick, Capt. Co. "C," three hundred and ninety-eight dollars and twenty-four cents (\$398.24).

Frank F. Ford, Capt. Co. "D," two hundred and ninety-four dollars and twenty-four cents (\$294.24).

W. F. Weiland, Capt. Co. "E," two hundred and ninety-two dollars and twenty-four cents (\$292.24).

Chas. Merion, Jr., Capt. Co. "F," four hundred and thirty-dollars (\$435.00).

Willis E. Young, Capt. Co. "G," two hundred and seventy-six dollars and twenty-three cents (\$276.23).

J. C. Speaks, Capt. Co. "H," three hundred and five dollars (\$305.00).

Albert Getz, Capt. Co. "I," four hundred and fifty-two dollars and twenty-seven cents (\$452.27).

C. Barten Adams, Capt. Co. "K," four hundred and ninety-five dollars and thirty cents (\$495.30). Deficiency appropriations.

W. W. Holmes, Capt. Co. "L," five hundred and thirty-nine dollars and thirty cents (\$539.30).

B. E. Allen, bill for horses, thirty-three dollars (\$33.00).

A. B. Coit, bill subsistence, sixty-four dollars and fifty cents (\$64.50).

H. M. Taylor, bill subsistence, eight dollars and ten cents (\$8.10).

F. Jaeger & Co., ice, four dollars and thirty cents (\$4.30).

Ohio penitentiary, bill for bread, forty-five dollars and sixty-eight cents (\$45.68).

J. H. Barcus & Co., bill for supplies, two hundred and fifty-three dollars and forty-seven cents (\$253.47).

Slade & Kelton, bill for lumber, forty-one dollars and eighty-three cents (\$41.83).

George F. Amos, bill for drayage, thirty dollars (\$30.00)

L. L. Pegg, bill for sundries, twenty-one dollars and fifty cents (\$21.50).

Butler, Steuerwald & Co., bill for oil cloth, twelve dollars (\$12.00).

Richards and McKinney, drugs, eleven dollars and fifty cents (\$11.50).

Stitt, Price & Co., bill for cord wood, four dollars and forty cents (\$4.40).

Ulrick, Bell & Co., subsistence, one hundred and six dollars and seventy-six cents (\$106.76).

Columbus, Hocking Valley and Toledo Railroad Co., bill of transportation, one hundred and twenty dollars (\$120.00).

For the Purchase of Tents:

To pay bill of J. A. McAuley, twenty-three hundred and ninety-three dollars and seventy cents (\$2,393.70).

Decorating State House for G. A. R. Encampment:

Frank T. Foster, bill, two hundred and fifty dollars (\$250.00).

Geo. D. Freeman, bill, two hundred and eighty dollars (\$280.00).

State House and Grounds:

Thos. G. Neski & Co., bill, changing and putting in new pipes, one hundred and fifty dollars (\$150.00).

Helmer & Flowers, bill for constructing passageway to south gallery house of representatives, two hundred and seventy-five dollars (\$275.00).

To pay N. B. Abbott, grading, paving and setting curb, Broad street, from High to Third street, fourteen thousand five hundred and seventy dollars and thirty-five cents (\$14,570.35).

Deficiency Appropriations.

To pay city of Columbus, in full, for paving Third street with Medina block stone and setting curb between Broad and State streets, nine thousand six hundred and forty-two dollars and fifty cents (\$9,642.50).

To pay city of Columbus, in full, for paving a part of State street, between High and Third, with fire-brick, and setting curb, fifteen hundred and ninety-six dollars and ninety-seven cents (\$1,596.97).

To pay the city of Columbus, in full, for repairs made on the asphalt pavement on State street, between High and Third, fifteen hundred and nine dollars and seventy-eight cents (\$1,509.78).

Attorney-General:

Painting and repairing gas fixtures in office, seventy-three dollars (\$73.00).

Expenses to Washington City, fifty-six dollars and ninety-two cents (\$56.92).

Auditor of State:

Furniture and carpets, ten dollars (\$10.00).

Alum Creek Ice Company, thirty-six dollars (\$36.00).

Board of Pardons:

To pay for cabinet for filing papers, sixty-five dollars (\$65.00).

Board of State Charities:

Salary and traveling expenses of secretary from December 31, 1888, to February 15, 1889, less balance, one hundred and sixty dollars and seventy-six cents (\$160.76).

Salary of clerk, sixty-six dollars and sixty-seven cents (\$66.67).

To pay office expenses, janitor, etc., sixty-four dollars and thirteen cents (\$64.13).

To pay traveling expenses of members of the board, December 13 and 14, and January 29 and 31, one hundred and fifty-two dollars and fifteen cents (\$152.15).

To pay copies of proceedings of National Conference of Charities, thirty-three dollars and seventy-five cents (\$33.75).

Commissioner of Railroads and Telegraphs:

Furniture and repairs, twenty-three dollars and eighty-six cents (\$23.86).

Contingent expenses, three hundred and eighty-nine dollars and nine cents (\$389.09).

Bureau of Statistics of Labor:

Clerk hire, two hundred and twenty-one dollars and sixty cents (\$221.60).

Contingent expenses, five hundred and fifty-eight dollars and forty-three cents (\$558.43).

*Board of Public Works:*Deficiency ap-
propriations.

To pay Homer Meacham, supt., labor and material for Miami and Erie canal, five hundred and thirty-two dollars and sixty-five cents (\$532.65).

Bateman & Harper, attorneys' fees, and expenses for Miami and Erie canal, from February 25, 1887, to February 15, 1889, four hundred and sixty-nine dollars and eighty-six cents (\$469.86).

To pay C. W. Sutphin, jr., Supt., labor and material, Miami and Erie canal, one hundred and ninety-three dollars and thirty-seven cents (\$193.37).

To pay John O'Connor, supt., labor and material, Miami and Erie canal, two hundred and fifty-one dollars and three cents (\$251.03).

Commissioner of Common Schools:

To pay school examiners, to-wit:

M. Manley, sixty-eight dollars and sixty-eight cents (\$68.68).

C. C. Davidson, forty-seven dollars and four cents (\$47.04).

E. A. Jones, one hundred and twenty-one dollars and forty cents (\$121.40).

Alston Ellis, one hundred and eighty-two dollars and eighty cents (\$182.80).

R. W. Stevenson, thirty dollars (\$30.00).

W. J. White, eighteen dollars and forty cents (\$18.40).

John Hancock, seventy-seven dollars (\$77.00).

Executive Department:

Contingent expenses, six hundred and eight-nine dollars and nine cents (\$689.09).

Refurnishing and painting governor's office, four hundred and seventy-two dollars and eighty-seven cents (\$472.87).

Bowe & Beggs, one carpet sweeper, three dollars and fifty cents (\$3.50).

Columbus Picture Co., repairing frames, etc., three dollars and eighteen cents (\$3.18).

Inspector of Mines:

Clerk hire, eighty dollars (\$80.00).

Inspector of Workshops and Factories:

Traveling expenses of chief inspector, four hundred and fifty-one dollars and fifty cents (\$451.50).

Contingent expenses, forty-nine dollars and fifty cents (\$49.50).

Insurance Department:

Extra clerk hire, five hundred and twenty-five dollars (\$525.00).

Deficiency ap-
propriations.

Intermediate Penitentiary:

Construction of, three thousand one hundred and thirty-seven dollars and twenty-one cents (\$3,137.21).

Ohio Penitentiary:

Salary of officers, four thousand one hundred and ninety-three dollars and forty cents (\$4,193.40).

Carpets, six hundred and thirty-seven dollars and seventy-four cents (\$637.74).

Furniture, fifteen dollars and fifty cents (\$15.50).

Improvement of front yard, forty-eight dollars and fifty cents (\$48.50).

Improvement of lights, one hundred and ninety-three dollars and twenty-seven cents (\$193.27).

Manufacture of gas, six thousand nine hundred and sixty-two dollars and forty cents (\$6,962.40).

Repairs, three thousand one hundred and sixty-four dollars and thirty-nine cents (\$3,164.39).

Water-works, seven hundred and sixty-six dollars and thirty-one cents (\$766.31).

Prosecution and transportation of criminals, fourteen thousand seven hundred and thirteen dollars and eighty-one cents (\$14,713.81).

Secretary of State:

Compiling statistical report of ex-secretary of state Robinson, one hundred and twenty-nine dollars and sixteen cents (\$129.16).

State Library:

Contingent expenses, one hundred and five dollars and fifteen cents (\$105.15).

Supervisor of Public Printing:

State printing, two thousand one hundred and three dollars and sixty-three cents (\$2,103.63).

Clerk of Supreme Court:

Contingent expenses, eighteen dollars and eighty-one cents (\$18.81).

Furniture and repairs, four dollars (\$4.00).

Athens Asylum for the Insane:

Ordinary repairs, nine hundred and thirty-six dollars and sixty-cents (\$936.60).

Cleveland Asylum for Insane:

Current expenses, nine hundred and five dollars and forty-one cents (\$905.41).

Ordinary repairs, seventeen hundred and one dollars and sixty-four cents (\$1,701.64). Deficiency appropriations.

Books and pictures, twenty-two dollars and ten cents (\$22.10).

Laundry machinery, thirteen hundred and seven dollars and sixty-seven cents (\$1,307.67).

Furniture and repairs, forty dollars (\$40.00).

Dayton Asylum for Insane:

Ordinary repairs, two hundred and seventy dollars and four cents (\$270.04).

Laundry machinery, seven hundred and sixty-seven dollars (\$767.00).

Ohio Institution for Blind:

Current expenses, fifteen hundred and ninety-nine dollars and fifty-five cents (\$1,599.55).

Salary of officers and teachers, one hundred and fifty-two dollars and ninety-four cents (\$152.94).

Ordinary repairs, two hundred and twenty-five dollars and one cent (\$225.01).

Steam pipe and heating apparatus, ninety-four dollars and seventy-five cents (\$94.75).

Books and school apparatus, seventy-nine dollars and sixty-seven cents (\$79.67).

Carpets, bedding and furniture, one hundred and twenty-nine dollars and eighty-eight cents (\$129.88).

Painting, varnishing and papering, six dollars and seventy-five cents (\$6.75).

Care of grounds and walks, one hundred and fourteen dollars and forty-nine cents (\$114.49).

Ohio Institution for Deaf and Dumb:

New boilers, eleven hundred and seventy-three dollars and thirty-cents (\$1,173.30).

Sinking new wells, four hundred and seventeen dollars and fifty cents (\$417.50).

Soldiers' and Sailors' Orphans' Home:

Current expenses, seven thousand nine hundred and sixty-two dollars and forty-two cents (\$7,962.42).

Salaries of officers and teachers, seven hundred and twenty-five dollars and eighty-seven cents (\$725.87).

Industrial pursuits, two hundred and fifty-four dollars and fifty-four cents (\$254.54).

Ordinary repairs, twenty-five hundred and fifty-two dollars and eighty-eight cents (\$2,552.88).

Deficiency ap-
propriations.

Support of orphans outside, thirty-eight hundred and seventy-two dollars and eighty-seven cents (\$3,872.87).

Furniture and carpets, forty-four hundred and forty-five dollars and ninety-two cents (\$4,445.92).

Support of orphans of indigent soldiers, twenty-nine hundred and forty-five dollars and nineteen cents (\$2,945.19).

Salaries of foremen, sixty-five dollars (65.00).

New bedsteads in cottages, one hundred and eight dollars (\$108.00).

New buildings, twelve hundred and eighty-seven dollars and fifty-seven cents (\$1,287.57).

New boiler, two hundred dollars (\$200.00).

Ohio Sailors' and Soldiers' Home:

Current expenses, seven thousand nine hundred and eighty-four dollars and fifty-three cents (\$7,984.53).

Salaries of officers, nineteen hundred and eight dollars and seventy-two cents (\$1,908.72).

Balances due Contractors on Estimates up to February 15, 1889:

A. Flick & Brother, twenty-five thousand two hundred dollars and forty-four cents (\$25,200.44).

The Thomas Lumber and Building Company, six thousand three hundred and eight dollars and forty-one cents (\$6,308.41).

Kelly & Jones Co., four thousand six hundred and twenty-eight dollars and sixty-one cents (\$4,628.61.)

Ira T. Davis, one hundred and forty-nine dollars and sixty-three cents (\$149.63).

Charles Schoepfle, three hundred and thirty-two dollars and ten cents (\$332.10).

The Sandusky Gas Co., four thousand and five dollars and nineteen cents (\$4,005.19).

John H. Murphy, thirteen hundred and thirty-five dollars and ninety-six cents (\$1,335.96).

Dawson & Anderson, twenty-seven hundred and fifty-eight dollars and ninety-three cents (\$2,758.93).

Doerzback & Decker, six hundred and twenty-seven dollars and seventy-three cents (\$627.73).

For extras credited to contractors:

Dawson & Anderson, seven hundred and forty-six dollars and fifty-two cents (\$746.52).

Kelly and Jones Co., pipe covering, hospital heating, etc., four thousand nine hundred and twenty-one dollars and twenty-six cents (\$4,921.26).

Sandusky Gas Co., nine hundred and eighty-one dollars and ninety-nine cents (\$981.99).

A. Flick & Bro., twenty-eight hundred dollars and twenty-eight cents (\$2,800.28).

John H. Murphy, seven hundred and thirty-two [dollars] and fifty cents (\$732.50). Deficiency appropriations.

To pay architect, ten hundred and sixty-six dollars and fifty-six cents (\$1,066.56).

To pay sundry accounts as per exhibit "A," due February 15, 1889 (said exhibit filed with auditor of state), fifteen thousand five hundred and thirty-four dollars and ten cents (\$15,534.10).

Miscellaneous:

Fish and game commission, eighteen hundred and fifty-two dollars and forty-six cents (\$1,852.46).

State board of health, six hundred and sixty-five dollars and four cents (\$665.04).

Ohio river commission, one hundred and eighty-one dollars (\$181.00).

Electoral college, eighty-five dollars and forty-four cents (\$85.44).

To pay claim of Daniel B. Brooks, for money paid into the state treasury by Royal Taylor, commissioner of soldiers' claims, June 9, 1865, twenty-nine dollars and sixty-one cents (\$29.61).

To pay bounties to veterans as follows:

Augustus Pete, Co. "C," First Regiment, O. V. V. C., one hundred dollars (\$100.00).

Able Lock, Co. "K," First Regiment, O. V. V. C., one hundred dollars (\$100.00).

Hanson R. Greenfield, Co. "I," Twenty-fourth Regiment, O. V. I., one hundred dollars (\$100.00).

To pay R. L. Allbritain for one copy of Webster's unabridged dictionary, for use of house, fifteen dollars (\$15.00).

To pay J. Q. Files for rent of post-office box, three dollars (\$3.00).

To pay J. Wiggins & Co. for Columbus directory, four dollars (\$4.00).

To pay A. H. Smythe, one parliamentary law on legislation, five dollars (\$5.00).

To pay Smith and Denenan for renovating carpet in clerk's of house office, ten dollars (\$10.00).

To pay William James for one mule, which was injured while in the service of Battery "B," encampment 1886, fifty dollars (\$50.00).

To pay James Harsha for one horse, injured while being used by the Seventh Battery, encampment of 1881, one hundred dollars (\$100.00).

Frederick Blenkner, third assistant-sergeant-at-arms, ninety-two dollars (\$92.00).

To pay Charles Huston, bill of sundries for state house, seventy-seven dollars (\$77.00).

Deficiency ap-
propriations.

To pay Alum Creek Ice Co., bill ice, treasurer of state's office, from May 25, 1887, to February 15, 1889, forty-three dollars and ten cents (\$43.10), and clerk's office, house of representatives, from April 12, 1887, to January 5, 1889, twelve dollars and ninety cents (\$12.90).

To pay A. L. Yardley, bill of 2 dozen waste baskets, March 20, 1889, eighteen dollars (\$18.00).

Kilbourne, Jones & Co., bill hardware, from April 17 to March 1, 1888, seventy-two dollars and twenty-five cents (\$72.25).

To pay Sadler & Musser, balance on bill for legal services rendered, expenses and costs paid, from November 9, 1886, to November 9, 1887, six hundred and eight dollars and fifty-two cents (\$608.52).

To pay Columbus Edison Electric Light Company in full for wiring and lighting state house dome and rotunda, from September 7 to December 1, 1888, seventy-five dollars (\$75.00).

To pay Columbus transfer company for five carriages used by state officers at funeral of Hon. E. T. Tappan, fifteen dollars (\$15.00).

To pay R. J. Fanning, First Lieutenant Battery "H," firing salute on account of death of General Sheridan, thirty-eight dollars (\$38.00).

To pay cost bill William B. Cash, clerk of the common pleas court of Belmont county, in case of state of Ohio vs. the Pittsburgh and Wheeling Coal Co., twenty dollars and seventy-three cents (\$20.73).

To pay cost bill state of Ohio vs. Garfield Coal Co., payable to A. B. Camp, clerk of court, Trumbull county, Ohio, twenty-three dollars and thirty-seven cents (\$23.37).

To pay N. K. Kennan in full for services in case of the state of Ohio vs. Pittsburgh and Wheeling Coal Co., in Belmont county common pleas court, one hundred dollars (\$100.00).

To pay Columbus Electric Supply Co., for repairing lighting apparatus of the house, and attendance during session, fifteen dollars and fifty cents (\$15.50).

To pay Edison Electric Light Co., for lighting supreme court room, consultation room, law library and hallway, one hundred and eighty dollars and fifty-nine cents (\$180.59).

To pay Myers Bros., for printing crop report, under order of the superintendent of public printing, eighty-six dollars and eighty-one cents (\$86.81).

To pay the commissioners of Lucas county for maintenance of ninety state patients in the northwestern hospital for the insane, at \$4.25 per week, from Feb. 15th, 1889, to May 1st, 1889, or so much thereof as may be necessary, four thousand and ninety-eight and 20-100 dollars (\$4,098.20).

To pay Dr. G. A. Doren, for services as superintendent of construction of the asylum for imbecile youth during the years from 1882 to 1886, inclusive, three thousand dollars (\$3,000.00), and this sum shall be in full for all claims to date.

SECTION 2. The moneys appropriated by this act shall only be paid out on vouchers approved by the governor. Deficiency appropriations.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

LOCAL AND SPECIAL ACTS.

[Senate Bill No. 158.]

AN ACT

To create four election precincts in Jefferson township, Adams county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Jefferson, in the county of Adams and state of Ohio, be and the same is hereby divided into four election precincts for presidential, state, county and township elections as follows, to-wit:

So much of said township as is within the following boundaries shall be known and designated as Lynx precinct, to-wit: Beginning in the center of the Forge dam and Blue Creek pike, in front of the residence of A. J. Waters; thence south to a point in the Rome and Mineral Springs pike, ten rods north-east of the residence of George Hill; thence with the center of said pike to the line dividing the townships of Green and Jefferson; thence with said township line to Ohio Brush creek; thence up said creek to the mouth of Colliers' run; thence up said run to the forks of the same; thence up the left-hand fork thereof to where said run crosses the public road; thence down said road to the right-hand fork of Randall's run; thence down the same to the forks of said run; thence with the main branch thereof to where the road crosses Scioto Brush creek; thence with said road to its connection with the Forge dam and Blue Creek pike at the residence of J. J. Copas; thence with the center of said pike to the place of beginning.

SECTION 2. That so much of said township as is within the following boundaries shall be known and designated as Churn Creek precinct, to-wit: Beginning at a point in the Rome and Mineral Springs pike where the Wintersteen run crosses said pike; thence following the center of the public road leading to the Scioto county line by the Patterson run; thence with the line of Adams and Scioto counties south to the Green township line; thence with said line dividing the townships of Green and Jefferson, to where the Rome and Mineral Springs pike crosses said township line; thence with the center of the Rome and Mineral Springs pike to a point in said pike ten rods north-east of the residence of George Hill; thence following the eastern boundary of the Lynx precinct to a point in the Forge dam and Blue Creek pike in front of the residence of A. J. Waters; thence following the center of said pike to the Rome and Mineral Springs pike; thence following the center of said Rome and Mineral Springs pike to the place of beginning.

SECTION 3. That so much of said township as is within the following boundaries shall be known and designated as Cedar Mills precinct, to-wit: Beginning at a point in the center of the Forge dam and Blue Creek pike where the Cedar Mills road by the residence of Daniel Anderson, intersects

said pike; thence in a straight line to a point twenty poles east of the residence of Jas. W. Graham; thence in a straight line to the forks of the road near Freeman's store; thence in a straight line to a point in the line dividing Jefferson and Meigs townships, where the road from Cedar Mills to Mineral Springs crosses the same; thence with said township line west to Ohio Brush creek; thence down said creek to the mouth of Colliers' run; thence with said run and the northern boundary of Lynx precinct by Randall's run to the Forge dam and Blue Creek pike; thence with said pike to the place of beginning.

SECTION 4. That so much of said township as is within the following boundaries shall be known and designated as Wamsleysville precinct, to-wit: Beginning at the junction of the Forge dam and Mineral Springs pike; thence following the center of the Forge dam and Blue Creek pike to the intersection of the road leading from Cedar Mills by Daniel Anderson's; thence following the eastern boundary of the Cedar Mills precinct to the Meigs township line; thence following said township line in an eastern direction to the line dividing Scioto and Adams counties; thence south with said county line to where the road crosses said county line at the Patterson creek; thence following the center of said road to where the Wintersteen run crosses the Rome and Mineral Springs pike; thence with the center of the Rome and Mineral Springs pike, to the place of beginning.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 11, 1889.

[House Bill No. 186.]

AN ACT

To authorize the council of the village of Orrville, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Orrville, Wayne county, Ohio, is hereby authorized and empowered to transfer the sum of seven hundred dollars from the general fund to the fire fund of said village.

SECTION 2. This act shall take effect from its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 15, 1889.

[House Bill No. 803.]

AN ACT

To change the time of holding the court of common pleas of Lawrence county, Ohio, for the first term in the year 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the next term of the court of common pleas in and for Lawrence county, Ohio, shall commence on the nineteenth (19th) day of February, A. D. 1889, instead of on the nineteenth day of March, A. D. 1889, as now appointed.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 15, 1889.

[House Bill No. 800.]

AN ACT

To authorize the commissioners of Harrison county, Ohio, to establish a children's home in said county, to purchase lands and erect suitable buildings thereon, and to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Harrison county, Ohio, are hereby authorized to establish a children's home in said county, and for that purpose may purchase suitable lands and erect the necessary buildings thereon, at a cost not to exceed fifteen thousand dollars.

SECTION 2. For the purpose of providing for the payment for said lands and buildings, the commissioners are hereby authorized to transfer, from the county fund to the building fund, any surplus of such county fund now accrued or that may accrue on or before July 1st, eighteen hundred and eighty-nine.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed January 18, 1889.

[House Bill No. 819.]

AN ACT

To authorize the village council of the incorporated village of Van Wert, Van Wert county, Ohio, to issue bonds and levy a tax for the purpose of providing said village with a system of public water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of Van Wert, Van Wert county, Ohio, be and the same is hereby authorized to issue the bonds of said village in an aggregate sum, not exceeding seventy-five thousand dollars (\$75,000.00), bearing interest at a rate not exceeding five per centum per annum, from date of issue (said interest payable semi-annually), for the purpose of providing said village with a system of public water-works.

SECTION 2. The bonds shall be signed by the mayor of said village, and countersigned by the clerk thereof, and shall not be sold for less than their par value, and shall be issued at such times and in such amounts, and mature at such dates, respectively, as the council of said village determined by ordinance; and said village council is hereby authorized to levy a tax upon all the taxable property of said village to pay said bonds and interest thereon when the same become due.

SECTION 3. The funds realized from the sale of said bonds shall be issued by the council of said village for the purpose of purchasing the necessary grounds and constructing, paying for and maintaining water-works for said village, which water-works, when completed, shall be used, operated and controlled in such manner as may be prescribed by law and the ordinance of said village enacted in conformity therewith.

SECTION 4. Before such bonds shall be issued or tax levied, the question of issuing said bonds and the levying a tax therefor, the same shall be submitted to a vote of the qualified electors of said village at a regular election or a special election called for that purpose, as the council of said village may order; notice of such election shall be given by publication in one or more newspapers, of general circulation, published in said village (one of which shall be a daily paper of general circulation published in said village). The tickets voted at said election shall have written or printed thereon: "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds is approved by a majority of all the voters voting at said election, the council of said village shall have authority to issue the said bonds and levy the said tax as provided for in this act, but no levy shall be made to pay any part of the principal of the said bonds until after the expiration of ten years from the date of said bonds.

SECTION 5. The mayor of said village is authorized and required, within thirty days after the passage of this act, to nominate four persons, citizens of said village, of well-known and recognized ability, to act as water-works trustees, not more than two of whom shall belong to either of the political parties. They shall be nominated, one for one year, one for two years, one for three years and one for four years; that said nominations shall be made at a regular meeting of said village council, and at the next regular meeting of said council, said council shall, by ballot, take a vote on the confirmation of said nominees, and if a majority of members elected to said council shall vote in favor of the confirmation, then the mayor of said village and the four persons so nominated and confirmed as

aforesaid shall constitute and be a board of water-works trustees. The mayor of said village shall be ex-officio a member and president of said board. The member appointed for one year shall serve until the first regular meeting of said council in June, 1890; the remaining three, respectively, until next regular meeting in June, 1891, 1892, 1893 and till successors are duly appointed and qualified.

SECTION 6. The mayor of said village shall, after the year 1889, annually, at the first regular meeting in May, nominate one person to be member of said board, and the council of said village, at their first regular meeting in June of each year, vote upon the confirmation of said nominees, and if they shall receive a majority of the votes of all the members elected to the council of said village, they shall be deemed duly appointed; and on a vacancy happening in said village board by death, resignation or refusal of council to confirm, or otherwise, the mayor shall forthwith nominate others to be voted upon by said council, and said council, at its next ensuing regular meeting, vote on the confirmation as heretofore provided.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed January 18, 1889.

[House Bill No. 854.]

AN ACT

To authorize the treasurer of Scioto township, Ross county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of Scioto township, Ross county, Ohio, be and is hereby authorized to transfer the sum of \$220.79 from the tuition fund of sub-school districts Nos. 4 and 9 to the tuition fund of sub-school district No. 12; and the sum of \$137.10 from the contingent fund of said sub-school districts Nos. 4 and 9 to the contingent fund of said district No. 12.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed January 18, 1889.

[Senate Bill No. 79.]

AN ACT

To authorize the sale of the Goshen seminary [building] and grounds.

WHEREAS, The Goshen seminary association, of Goshen village, Clermont county, state of Ohio, was duly incorporated A. D. 1860, in pur-

suance of the laws of the state of Ohio, and acquired lands, and erected thereon a seminary building for educational purposes; and

WHEREAS, Said seminary building has ceased to subserve the purposes for which it was created; and

WHEREAS, It is the unanimous desire of the stockholders in said Goshen seminary association that the buildings and grounds thereof be sold, and its corporate existence closed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Goshen association (a corporation existing by virtue of the laws of the state of Ohio) may dispose of its property at public or private sale, upon such terms as to payment as the stockholders thereof, by a vote of three-fourths of the shares of stock of the institution may direct, after giving public notice of the same for six consecutive weeks in some newspaper of general circulation, published in Clermont county, state of Ohio, wherein said institution is situated; which notice shall contain a full statement of the terms, time and place of sale, and the action of the trustees aforesaid; and the trustees may then close up the corporate existence of the aforesaid seminary association, and make an equitable distribution of the proceeds of the sale among all the holders of the shares of stock, after the payment of the just debts of the corporation and the expense of sale.

SECTION 2. The trustees aforesaid shall have full power to convey to the purchaser, by deed of warranty, all the rights, title and interest of the aforesaid Goshen seminary association in and to the premises so sold.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 21, 1889.

[Senate Bill No. 337.]

AN ACT

To authorize the village of Fostoria, in Seneca county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Fostoria, in Seneca county, be, and it hereby is authorized to transfer permanently, six thousand three hundred and twenty-two dollars and forty-six cents, from the water-works fund to the gas fund of said village.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 21, 1889.

[Senate Bill No. 346.]

AN ACT

To authorize the board of county commissioners of Brown county, Ohio, to issue bonds and to repair the present court house in said county.

WHEREAS, On the third day of December, A. D. 1888, the court house in said county of Brown, and the office furniture therein, was partially destroyed by fire; and whereas, it became necessary by reason of said loss, to raise money immediately, to repair, enlarge and improve said court house; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Brown are hereby authorized to repair, as they may deem necessary and prudent for the interests of said county, said court house, and that they are hereby authorized to purchase new furniture, such as may be needed for the various offices in said court house, and for the court room in said court house, and to provide such improved ventilation, drainage, lighting and heating of said court house, in its various departments, as they may deem best and safest. The said county commissioners shall, immediately upon the passage of this act, determine what repairs they will make to said court house, in any or all of the respects above mentioned, and have such determination forthwith entered upon their journal. Said county commissioners shall immediately cause plans and specifications of and for such repairs, as they may determine upon, to be filed in the office of the auditor of Brown county, Ohio, as soon as practicable, and for such furniture, fixtures and heating apparatus for said court house, and for any improved drainage, ventilation and lighting of said court house; and as soon as such specifications have been made and adopted by them, they shall proceed to advertise for sealed proposals, for a period not to exceed fifteen (15) days, in two newspapers of general circulation in the county, for contracts to do said work, and furnish such material as is necessary, and they shall let said contract of said work and said material to the lowest and best bidder therefor, which shall be completed within as short a time as practicable.

SECTION 2. That the county commissioners of said Brown county, for the purpose of this repairing said court house, as shall have been as aforesaid determined by them, are hereby authorized to borrow such sums of money not exceeding three thousand (\$3,000) dollars, as they shall deem necessary, at a rate of interest not exceeding six per cent. per annum, and issue the bonds of said county therefor; the principal of said bonds shall be payable at such time or times, not exceeding twenty (20) years after their date, as the said commissioners shall therein specify; and the interest of said bonds shall be payable semi-annually; the said bonds shall not be sold for less than their par value.

SECTION 3. That the bonds issued as aforesaid, shall specify distinctly the purpose for which they are issued; shall be in such respective sums as the said commissioners shall determine; shall be payable to bearer at such place as said commissioners shall therein designate, and shall be signed by said commissioners and attested by the county auditor of said county; and said county auditor shall keep a record of all bonds issued, and the coupons thereto attached.

SECTION 4. That for the purpose of paying the interest on said bonds, and the principal of the same as they become due, the commissioners of said county shall annually levy a sufficient tax upon all the taxable prop-

erty in said county in addition to the taxes now by law authorized to be levied.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 22, 1889.

[House Bill No. 820.]

AN ACT

To divide the township of Portage, in the county of Summit, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Portage, in the county of Summit and state of Ohio, be and the same is hereby divided into two election precincts, as follows: All that portion of said township being situated on the easterly side of the Ohio canal shall be designated as the east precinct, and all that portion of said township situated and being on the westerly side of said canal shall be designated as the west precinct, and the line of said Ohio canal shall be the dividing line between said election precincts.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 22, 1889.

[Senate Bill No. 347.]

AN ACT

To authorize the county commissioners of Brown county, Ohio, to issue bonds of the county for the purpose of having the records in the public offices in said county supplied, which were lost and injured by fire on the third day of December, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Brown county, Ohio, are hereby authorized to borrow such sums of money, not exceeding four thousand dollars (\$4,000), as they shall deem necessary, at a rate of interest not exceeding six per cent. per annum, and issue the bonds of said county therefor, for the purpose of transcribing and supplying such public records in the different offices in said county as were lost and injured by fire on the third day of December, A. D. 1888, as they may deem necessary. The principal of said bonds shall be payable at such time or times, not exceeding twenty (20)

years after their date, as said commissioners shall therein specify; and the interest of said bonds shall be payable semi-annually. The said bonds shall not be sold for less than their par value.

SECTION 2. That the bonds so issued shall specify distinctly the purpose for which they are issued, shall be in such respective sums as the said commissioners shall determine, shall be payable to bearer at such place as said commissioners shall therein designate, and shall be signed by said commissioners and attested by the county auditor of said county, and said county auditor shall keep a record of all bonds issued, and coupons thereto attached.

SECTION 3. That for the purpose of paying the interest on said bonds and the principal of the same as they become due, the commissioners of said county shall annually levy a sufficient tax upon all the taxable property in said county in addition to the taxes now by law authorized to be levied thereon.

SECTION 4. This act shall take effect and be in force from and its after passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 22, 1889.

[House Bill No. 818.]

AN ACT

To authorize the village of Louisville, Stark county, Ohio, to issue bonds for the purpose of providing said village with water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Louisville, Stark county, Ohio, be and said village council is hereby authorized to issue the bonds of said village in any sum not exceeding twenty-five thousand dollars, in denomination not exceeding one thousand dollars, bearing interest at a rate not exceeding six per centum per annum, payable annually, for the purpose of providing said village with water-works.

SECTION 2. Said bonds shall be signed by the mayor of the village, and countersigned by the clerk of said village. They shall not be sold for less than their par value; the principal shall be payable at such times as the council of said village may determine, by ordinance, within a period not exceeding twenty years; and said village council is hereby authorized to levy a tax upon all taxable property of said village to pay said bonds, not to exceed four (4) mills in any one year.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village for the purpose of constructing and paying for water-works for said village, which water-works, when completed, shall be used, operated, and controlled in such manner as may be prescribed by law and the ordinances of said village.

SECTION 4. Before said council shall issue said bonds, the proposition shall be submitted to a vote of the qualified electors of said village,

at any general or special election called for that purpose. The council, before submitting said proposition, shall declare by resolution the amount of bonds to be issued and within what time the same shall be redeemed or paid. Said resolution shall be published in all newspapers published within said village, for at least two weeks. The election shall be held at the usual places of holding elections in said village, and all persons favoring said proposition shall have written or printed on their ballots, "Issue [of] water-works bonds—Yes;" and those opposed to said proposition shall have written or printed on their ballots, "Issue [of] water-works bonds—No." And should a majority of the electors voting upon said proposition vote "yes," then said council shall be authorized to issue said bonds as provided in this act.

SECTION 5. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 22, 1889.

[House Bill No. 821.]

AN ACT

To authorize the council of the village of Oberlin, Lorain county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Oberlin, Lorain county, be and is hereby authorized to transfer to the street fund of the village all the money now standing to the credit of the sewer fund in the village treasury; and said council are also authorized and empowered to transfer to the street fund all the money that may hereafter be paid into the village treasury, to the credit of the sewer fund, by virtue of the tax levy of 1888.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 22, 1889.

[Senate Bill No. 335.]

AN ACT

To authorize the city of Marietta, Ohio, to erect or purchase an electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Marietta, Ohio, be, and it is hereby authorized

and empowered to erect or purchase an electric light plant for the purpose of lighting the corporation; and for that purpose said council is hereby authorized to purchase engines, boilers, dynamos, wires, poles and all appurtenances thereto belonging, and all materials necessary for the successful operation of the same, at a total cost or sum not to exceed the sum of fifteen thousand (\$15,000) dollars.

SECTION 2. For such purpose said city council is authorized to issue the bonds of said city in the sum not exceeding fifteen thousand (\$15,000) dollars, bearing interest at a rate not to exceed five per cent. per annum from date of issue, payable semi-annually; the principal of such bonds shall be payable at such times and places as the council may determine, within a period not exceeding fifteen years, and shall be advertised and sold according to law.

SECTION 3. Said council is authorized to levy a tax on all the taxable property of said city, in addition to what is now authorized by law to levy, sufficient to meet the semi-annual interest on said bonds, and pay the principal thereof as the same fall due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed January 23, 1889.

[Senate Bill No. 229.]

AN ACT

To authorize the village of Lockland, Hamilton county, to issue bonds for the purpose of building sewers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Lockland, Hamilton county, is hereby authorized to issue bonds, not exceeding in amount the sum of fifteen thousand dollars, for the purpose of constructing sewers for said village; said bonds to be in denominations of one hundred dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and redeemable at such times as council may by ordinance prescribe.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value, and may be sold at such times and in such amounts, from time to time, as will best carry out the purpose for which they are issued.

SECTION 3. Said bonds shall not be issued, nor said tax assessed, until the question shall be submitted to the voters of said village at a general election, of which at least ten days' notice shall be given by advertisement in a newspaper of general circulation in said village; at said election all voters desirous to vote in favor of issuing said bonds and levying said tax shall have written or printed on their ballots the words: "Sewer bonds—

Yes;" and all voters desiring to vote against issuing said bonds and levying said tax shall have written or printed on their ballots the words: "Sewer bonds—No." No bonds shall be issued or tax levied under this act unless two-thirds of the votes cast at said election shall be favorable thereto.

SECTION 4. Said election shall be held and controlled by the village council of said village as it may by ordinance or resolution prescribe, and the entire record thereof and returns therefrom shall be recorded or filed among the village records.

SECTION 5. For the purpose of paying the interest on said bonds and the principal, at maturity thereof, the council of said village is hereby authorized to levy, annually, a tax upon all the taxable property of the village of Lockland, in addition to the amount already allowed to be levied by law; said tax to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 6. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 31, 1887.

[Senate Bill No. 344.]

AN ACT

To authorize the commissioners of Franklin county, Ohio, to construct a bridge and approaches thereto across the Olentangy river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Franklin county, Ohio, be and they are hereby authorized to remove the old bridge across the Olentangy river, at the foot of Dodridge street, in the city of Columbus (North Columbus), Ohio, and to construct a new bridge on the same site, together with the proper and necessary approaches thereto, at a cost not to exceed the sum of thirty thousand dollars; provided, that they shall at the same time improve, widen and grade the roadway on each side of said bridge leading to said approaches; and in the exercise of their powers, and the performance of their duties in that behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expenses for removing said old bridge, constructing said new bridge, together with such approaches, and improving, widening and grading such roadway, said commissioners are hereby authorized and empowered to issue and sell the bonds of said Franklin county, Ohio, according to law, in sums not less than one thousand dollars each, bearing interest at the rate of six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of thirty thousand dollars; and said commissioners are further authorized and empowered to levy a tax on all the property on

the tax duplicate of said county, to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[Senate Bill No. 366.]

AN ACT

To authorize the village of Oxford, Butler county, Ohio, to erect or purchase an electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Oxford, Butler county, Ohio, be and they are hereby authorized and empowered to erect or purchase an electric light plant for the purpose of lighting the corporation, and for that purpose said council is hereby authorized to purchase engines, boilers, dynamos, wires, poles and the appurtenances thereto belonging, and materials necessary for the successful operation of the same, at a total cost and sum not to exceed the sum of twenty-five thousand (\$25,000.00) dollars.

SECTION 2. For such purposes said village council is authorized to issue the bonds of said village in the sum not exceeding twenty-five thousand (\$25,000.00) dollars, bearing interest at a rate not to exceed six per cent. per annum, from date of issue, payable semi-annually. The principal of such bonds shall be payable at such times and place as the council may determine, within a period not exceeding twenty years, and shall be advertised and sold according to law.

SECTION 3. Said council is authorized to levy a tax on all the taxable property of said village, in addition to what is now authorized by law to levy, sufficient to meet the annual interest on said bonds, and pay the principal thereof, as the same falls due.

SECTION 4. The question of issuing said bonds, levying said tax, and of erecting and constructing said electric light plant for said village shall be submitted to a vote of the qualified electors of said village, at a general or special election, at the place of holding election in said village, by giving ten days' notice thereof in two newspapers of general circulation published in said village. The tickets to be voted at said election shall have written or printed thereon, "Electric light plant—Yes," or "Electric light plant—No." If a majority of the votes cast at said election are in favor of electric light plant and issuing of said bonds, then the council shall proceed to issue said bonds, and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[Senate Bill No. 367.]

AN ACT

To authorize the village of Westwood, Hamilton county, Ohio, to borrow money to finish and furnish the town hall and offices of the officers of the corporation, now in course of erection in said village, and put in lighting and heating apparatus, and grade the grounds about the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Westwood, in Hamilton county, Ohio, be and it is hereby authorized to borrow money, not exceeding five thousand dollars in amount, for the purpose of finishing and furnishing the town hall and offices of the officers of the corporation, now in course of erection in said village, and put in lighting and heating apparatus, and grading the grounds about the same, and the council of said village is hereby authorized to issue bonds for the money so borrowed, at such times and in such amounts as may be required, not exceeding said five thousand dollars.

SECTION 2. Said bonds as aforesaid authorized to be issued, shall be signed by the mayor of said village, and countersigned by the village clerk, and shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and said bonds shall be of such denomination, to be numbered consecutively, beginning with number one, and shall mature twenty years from date, but said village may reserve the right to call in and redeem, with accrued interest, said bonds, or any portion thereof, before their maturity, if it so desires, and said bonds shall be sold as provided by law.

SECTION 3. For the payment of the interest and principal of said bonds as the same shall become due, the council of said village are hereby authorized and required to levy a tax on all the taxable property within the corporate limits of said village, not exceeding three-quarters of one mill in addition to taxes now authorized by law, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[Senate Bill No. 369.]

AN ACT

Authorizing the council of the city of Canton, Ohio, to issue and sell bonds to improve and enlarge the city fire department.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Canton, Ohio, be and the same is hereby authorized to issue and sell the bonds of said city, in the sum of twenty-five

thousand dollars, bearing interest not exceeding six per centum, payable semi-annually, and of denominations not less than one thousand dollars each, made payable at such times as said council may prescribe, but not within less than two nor more than ten years from date of issue. Said bonds shall not be sold below par, and the proceeds therefrom shall be used to improve and enlarge the city fire department.

SECTION 2. For the purpose of paying said bonds and the interest thereon, as the same may become due, the council of said city is hereby authorized to levy a tax not exceeding one-half of one mill per annum, upon all taxable property of said city, in addition to the amount otherwise allowed by law, to be collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 240.]

AN ACT

To authorize the commissioners of Franklin county to construct a bridge across the Olentangy river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Franklin county be and they are hereby authorized to construct a bridge across the Olentangy river at the western terminus of Third avenue, of the city of Columbus, providing that the county commissioners of said Franklin county shall first secure the right of way to said bridge without any additional expense to said county, and in the exercise of their powers and the performance of their duties in that behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are conferred and prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expense of constructing such bridge, said commissioners are hereby authorized and empowered to issue bonds of said Franklin county at not less than their par value, in sums of not less than one thousand dollars each, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of twenty-five thousand dollars; and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 722.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Clermont county, Ohio, are hereby authorized to construct the following free turnpike road: Commencing at a point on the farm of Mr. L. W. Thomas, in Pierce township, Clermont county, Ohio, and at the northern termination of the Nine Mile and Pleasant Hill free turnpike road, and near the point where a county road crosses the said free turnpike; thence in a northern direction through the lands of L. W. Thomas, Dr. Denison, E. R. Hancock, Mr. Rowe, George Rymell, the Whitaker heirs, Wm. and Benjamin Lewis, Wm. Hancock, and Jeney Donham, and in a straight line, as near as practicable, to obtain a good grade, so as to intersect a county road near the farm dwellings of Wm. Hancock and Lucy Donham, and at a point where said county road makes a right angle; thence on and along said county road, as near as practicable, to obtain a good grade, so as to intersect the Ohio turnpike in the village of Amelia, near the Odd Fellows' hall, and at the point where said county road now intersects the Ohio turnpike road.

SECTION 2. Said county commissioners may, if they deem it best, issue bonds for the construction of said free turnpike road; provided, that said bonds shall not bear interest at a higher rate than six per cent. per annum, payable annually, and shall not be sold for less than their par value; provided, that said bonds may extend to such time as they can be paid at a levy of ($\frac{2}{10}$) two-tenths of one mill on the dollar, annually, on the tax duplicate of said county, in addition to the taxes now authorized by law, for the purpose of meeting the payment of said bonds at their maturity.

SECTION 3. Said commissioners shall, before proceeding to construct said road, or any part of it, require and secure from those interested in said improvements a subscription or donation, equal in amount to twenty per centum of the cost of said improvements, to aid in the construction of the same.

SECTION 4. That for the purpose of paying said bonds the county commissioners are hereby authorized to levy and assess a tax, not exceeding ($\frac{2}{10}$) two-tenths of a mill on the dollar, annually, on all the taxable property of the county.

SECTION 5. In constructing said road, said commissioners may locate the same upon the whole or any part of any county road, or upon and through any improved or unimproved lands in the line designated for said road, and may settle directly with the landowners any question of damage or compensation arising by reason of their acts. Said road shall not be more than sixty nor less than forty feet in width.

SECTION 6. A majority of said county commissioners shall, at any regular session, be necessary to agree upon specifications and order said improvements.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 789.]

AN ACT

To change the name of Leon Kelly to Leon Southam.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the name of Leon Kelly be changed to that of Leon Southam.*

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed January 31, 1889.

[House Bill No. 791.]

AN ACT

Supplementary to section 4 of an act, authorizing the village of Fayette to increase its educational facilities and to issue bonds of the corporation to pay for the same, passed March 5, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section 4 of an act authorizing the village of Fayette to increase its educational facilities and to issue bonds of the corporation to pay for the same, passed March 5, 1888, be supplemented as follows:*

Sec. 4a. That whenever the management of said school property shall, by resolution or ordinance of the council, be vested in said board of trustees, and there shall have been established in said school buildings a school of higher grade as shall comprehend academic and university collegiate courses, including also instruction usually furnished in common and normal schools, said trustees may, on the recommendation of the faculty of said school, confer all such degrees and honors as are conferred by colleges and universities of the [state] of Ohio, and such others having reference to the course of study and the accomplishments of the same, as they may deem proper.

Sec. 4b. During the period of the continuance of said school of a higher grade, section 3726, of the Revised Statutes of Ohio, shall be inoperative to said school or board of trustees in so far as it requires an incorporation and the filing of the schedule named in said section.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed January 31, 1889.

[House Bill No. 792.]

AN ACT

To authorize the board of education of the village school district of Archbold, Fulton county, to levy an additional tax to carry on schools therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village school district of the village of Archbold, Fulton county, Ohio, be and are hereby authorized to levy a tax for the years 1889, 1890 and 1891, on all the taxable property within said district, not to exceed three mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and continuing the schools in said district.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 823.]

AN ACT

To authorize the board of education of Bellaire city school district to lease part of Central school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Bellaire is hereby authorized and empowered to lease for a term of years or a shorter time, the fourth or upper story of the central school building, in such city, but no such lease shall be made to any person or for any purpose that shall in any manner interfere with the use of the other stories or parts of the building for school purposes.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 866.]

AN ACT

To authorize the commissioners of Highland county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Highland be and they are

hereby authorized to permanently transfer the sum of two thousand and forty-six dollars (\$2,046) from the special fund known as the infirmity free turnpike No. 53 fund, created by a special act of the General Assembly of the state of Ohio, passed April 5th, 1883 (vol. 85, page 307), to the general county fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 869.]

AN ACT

To authorize the board of education of Westland township, Guernsey county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Westland township, Guernsey county, Ohio, be and they are hereby authorized to transfer the sum of twelve hundred dollars (\$1,200.00) from the building fund, as follows: Nine hundred (\$900.00) dollars to the continuing fund; and three hundred (\$300.00) dollars to the contingent fund of said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[House Bill No. 877.]

AN ACT

To change the name of Elizabeth Fisher Wells to Elizabeth Fisher Ross.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Elizabeth Fisher Wells be changed to that of Elizabeth Fisher Ross.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed January 31, 1889.

[Senate Bill No. 339.]

AN ACT

To provide additional means for increasing the capacity and efficiency of the electric light plant in the city of Xenia, Greene county, Ohio.

WHEREAS, The costs and expenses of increasing the capacity and efficiency of the electric light plant in the city, owing to the purchase of more machinery and lamps than was originally intended, has exceeded the original estimate, and necessitated a greater outlay of money than that authorized by the act of April 16, A. D. 1888, "To provide for increasing the capacity and efficiency of the electric light plant of the city of Xenia," therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of raising money to complete the work of lighting the city of Xenia, the city council of said city is hereby empowered to provide by ordinance for the issue and sale of the bonds of said city, in amount not exceeding twenty-five hundred dollars (\$2,500), payable in ten years, but redeemable at the city's option at any time after the expiration of one year from the date of their issue, and bearing interest at not exceeding six per cent. per annum.

SECTION 2. Said city of Xenia is hereby authorized to issue and sell at public and [or] private sale, with or without publication, the bonds of said city, in an amount not to exceed twenty-five hundred dollars (\$2,500). Said bonds to be of such denomination as the council by ordinance shall prescribe, to be signed by the mayor and attested by the city clerk. Said bonds shall not be sold at less than their par value, with accrued interest, and may have interest coupons attached. And the money arising from the sale thereof shall be paid into the treasury of said city, to the credit of the light fund thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 1, 1889.

[House Bill No. 807.]

AN ACT

To authorize the incorporated village of New Concord, Muskingum county, to issue bonds to complete town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the incorporated village of New Concord, Muskingum county, Ohio, be authorized to borrow money and issue bonds therefor, not exceeding six thousand (\$6,000) dollars, for the purpose of completing town hall; said bonds to be of such denominations as said

council may deem proper, and shall run for a period not exceeding twenty-five years, to bear interest not to exceed six per cent. per annum, payable semi-annually.

SECTION 2. This act shall be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 1, 1889.

[Senate Bill No. 51.]

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for grading, macadamizing and improving a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county be and they are hereby authorized to grade, macadamize and improve a county road in Springfield and Sycamore townships, as surveyed and established by direction of said commissioners along the following described route, to-wit: Beginning from a point south of the depot at Hartwell, on the Cleveland, Columbus and Cincinnati, or "Bee Line" railroad; thence running eastwardly along the lands belonging to the Brownell heirs, J. M. Strobel, Amos Ross, D. Weaver, E. Oberly and Thomas Wright's heirs, to the Cincinnati and Reading (or Lebanon) turnpike, to be known when improved as the "Hartwell road or avenue;" provided, that all right of way through any and all such lands shall be furnished free of any cost or expense to said county commissioners; and provided further, that one-half the expense of grading, macadamizing and improving said road, shall be assessed upon the abutting property outside the incorporated limit of the village of Hartwell, the same to be levied and collected as other taxes, in five annual installments, in December of each year, and the balance, not exceeding the sum of five thousand dollars, shall be paid from a tax levied upon all the taxable property of Hamilton county, not exceeding $\frac{1}{40}$ of a mill on each dollar valuation thereof.

SECTION 2. The grading, macadamizing and improving of said road shall be under the direction of the said commissioners of Hamilton county. The money arising from said tax shall be applied to said improvement, and any unexpended balance shall be transferred to the bridge fund of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 7, 1889.

[House Bill No. 509.]

AN ACT

To authorize the county commissioners of Cuyahoga county to issue the bonds of said county for certain purposes therein named, and to levy a tax for the redemption thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county, Ohio, be and they are hereby authorized and required to construct a new bridge across Rocky river, on Detroit street, near the mouth of said river.

SECTION 2. For the purpose of providing the funds necessary for building such bridge, said commissioners are hereby authorized to issue the bonds of Cuyahoga county for an amount not exceeding fifty-five thousand dollars (\$55,000), which said bonds may be made payable at any time, not to exceed ten (10) years from the date of issue thereof, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually. Said bonds may be issued from time to time, and in such amount, as the progress of the work or the convenience of said commissioners may require, and shall have written or printed upon them the date of the law under which they are issued, and the words "Rocky River Bridge," and shall not be sold or negotiated for less than par; and the proceeds shall not be applied to any other purpose than the payment of the cost and expense of the work and improvement hereinbefore provided, and to pay the interest on said bonds as the same shall accrue.

SECTION 3. The commissioners of Cuyahoga county are hereby authorized and required to levy a tax on all the taxable property in said county, in addition to all other taxes authorized by law, in such amounts as will be necessary to meet the payments of said bonds and interest as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed February 7, 1889.

[House Bill No. 780.]

AN ACT

To authorize the county commissioners of Clermont county to purchase the Batavia Union turnpike, situated in said county of Clermont.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of the county of Clermont be and hereby is authorized to purchase for said county, the said Batavia Union turnpike, situated in the county of Clermont, and thereafter to be a free turnpike, and kept in repair as other free turnpike roads in said county. When purchased, and before any payment is made therefor, the

owners to execute to the county of Clermont a good and sufficient deed of conveyance, and to the satisfaction of said board of county commissioners.

SECTION 2. That before said purchase is made, there shall be filed in the office of said board of county commissioners by the person interested in the purchase of said Batavia Union turnpike, a guarantee by subscription or otherwise, to the satisfaction of said board, of twenty per cent. of the amount of purchase money of said Batavia Union turnpike. When the purchase is made and deed of conveyance executed for said turnpike, the board of county commissioners shall assign said guarantee of twenty per cent. to the late owners of the said Batavia Union turnpike, and the same shall be received by them without rebate in full payment of the one-fifth of the purchase money for said turnpike, to be collected by them in their own names.

SECTION 3. That in case said board of county commissioners and the owners of said Batavia Union turnpike cannot agree upon a purchase price, said board and owners may cause an appraisement thereof to be made by three disinterested freeholders of said county, one to be selected by said board, one by said owners, and the third appraiser to be chosen by the two appraisers selected as aforesaid.

SECTION 4. That the appraisers selected and chosen under the provisions of this act, shall, under oath, upon actual view, appraise the Batavia Union turnpike located in Clermont county, at its true value, and make return in writing of their appraisement, within ten days after making the same, to said board. The said board and the owners of the said Batavia Union turnpike, within thirty days after the return of said appraisement, may agree upon a sale and purchase of said Batavia Union turnpike at the appraised value or less. If the said board refuses to complete the purchase at the appraised value, in that case the said county shall pay the costs of appraisement. If the owners refuse to sell at the appraised value, the said owners of said Batavia Union turnpike shall pay the costs of appraisement. The appraisers shall each be entitled to receive two dollars per day for their services rendered under this act.

SECTION 5. That for the purpose of paying the purchase money for said Batavia Union turnpike, said board of county commissioners is hereby authorized to issue the bonds of said county, payable at such times, not exceeding twenty years from date of the same, as to the said board may seem proper, bearing a rate of interest not exceeding six per centum per annum, payable semi-annually. Said county bonds shall not be sold or otherwise disposed of at less than their par value. The bonds to be issued in denominations not to exceed five hundred dollars nor less than fifty dollars.

SECTION 6. That the county auditor of said county shall make and keep in the office of said board, in a book to be provided for registry of county bonds, an accurate registry of said bond, showing date of issue, number of bonds, amount of bond, to whom sold, when due, when redeemed, and amount of interest and principal paid on each bond. Each of said bonds to be signed by the county commissioners and countersigned in red ink by the county auditor of said county.

SECTION 7. That for the payment of the interest on, and for the redemption of said bonds, the board of county commissioners of said county is hereby authorized to levy a tax upon all the taxable property of said county, at such a rate, not exceeding one-eighth of a mill annually,

in addition to other levies for road purposes, authorized by law, on each dollar of taxable property in said county, as may be found necessary to pay the interest on said bonds, and provide a sum sufficient to redeem and pay said bonds as they become due and payable.

SECTION 8. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 7, 1889.

[House Bill No. 342.]

AN ACT

To authorize the incorporated villages in Wood county Ohio, to borrow money and issue bonds therefor, for the purpose of sinking wells for natural gas, purchasing and laying pipes, and supplying the said villages and the citizens thereof with natural gas for public and private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village in Wood county, Ohio, be and is hereby authorized to issue bonds for the purpose of sinking wells for natural gas, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery to supply such village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 2. No village shall, at any time, under the various provisions of this act, issue bonds increasing the municipal indebtedness of the said village above ten per cent. of the actual valuation of the personal and real estate of said village, as shown by the tax duplicate of the year first preceding the issue of bonds as provided for in this act.

SECTION 3. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to the qualified voters of such village, at a general or special election, to be held at such times as the council of said village shall appoint. The tickets voted shall have written or printed thereon the words: "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds of those voting upon the proposition, the village shall have authority to issue bonds for the purpose named, as provided in this act.

SECTION 4. The council of such village shall publish notice of the submission of such question in some newspaper published in such village, for at least ten days prior to such election, and in case no newspaper is published in such village, the council shall cause to be posted in at least three public places in said village, written or printed notices of the submission of such question, for at least ten days prior to such election; and such election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in such village.

SECTION 5. Such bonds, when so authorized, shall be issued by the council of such village in denominations not less than one hundred or

more than five hundred dollars, payable in such times, not exceeding ten years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually; principal and interest payable at such place as the council may determine; they shall express upon their face the purpose for which, and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 6. No more bonds shall be issued and sold than is necessary for and required by the actual and necessary cost and expenses of sinking wells, in such numbers as may be required for the purposes named in section 1 of this act, and laying of pipes and other necessary expenses; they shall be sold, from time to time, as the work progresses, and in such amounts as shall be required and made necessary by progress, and for the proper completion of the works; and all proceeds and moneys arising from said bonds shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary for the supply of gas for the purpose aforesaid.

SECTION 7. All moneys collected or received by said village from the citizens thereof, for gas furnished and consumed for public or private use, and all net incomes, revenues and profits arising therefrom, shall be pledged and applied to the payment of said bonds and interest; and the council of said village is hereby authorized to levy a tax annually, not exceeding ten mills on the taxable property within said village, in addition to the tax now by law authorized to be levied, which shall be used as a sinking fund for the gradual extinguishment of said bonds.

SECTION 8. All moneys so applicable to the payment of said bonds, which shall come into the hands of said village before said bonds become due, or any of them, shall be used to purchase such bonds, or invested under the order of the council as a sinking fund, to be applied to the payment of such bonds as they become due.

SECTION 9. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 405.]

AN ACT

To authorize the county commissioners of Hardin county, Ohio, to levy a tax to meet certain indebtedness of the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of Hardin county be and they are hereby authorized to levy on the grand duplicate of said county, at the June session, for the year 1889, not exceeding five-tenths of one mill on the dollar, for said year, on all the taxable property of said county, for the liquidation of the present indebtedness of the Hardin county agricultural society, and the*

commissioners shall certify the amount so levied to the county auditor, who shall place the same on the tax duplicate for said county, to be collected as other taxes. Before said tax shall be levied, the county commissioners of said county shall submit the question of such levy to the qualified electors of said county, at a general, or special election called for that purpose, at the usual places of holding elections, of which proper notice shall be given in either case, by publication in two newspapers printed and of general circulation in said county, for two consecutive weeks prior to such election; those electors who favor the levying of such tax shall have written or printed on their ballots the words, "Levying tax—Yes," and those who are opposed to such levy shall have written or printed on their ballots the words, "Levying tax—No;" and if a majority of the votes cast at said election are in favor of said levy, the county commissioners of said county shall be authorized to make such levy for the purposes aforesaid.

SECTION 2. When the collection is made by the treasurer, at his semi-annual settlement for the taxes of said year, the auditor of said county shall issue his order for the sum so collected to the treasurer of said agricultural society, on his filing with such auditor an undertaking to the state of Ohio, in double the amount so collected, with good and sufficient security, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SECTION 3. This act shall take effect on and after its passage.

ELBERT E. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 790.]

AN ACT

To authorize the board of county commissioners of Darke county to issue bonds to complete and furnish a children's home belonging to said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Darke county, Ohio, be and they are hereby authorized to issue the bonds of said county, in any sum not exceeding twelve thousand dollars, payable in 1, 2, 3, 4 and 5 years, and that said bonds shall bear interest not to exceed six per cent. per annum, payable semi-annually, and to be of such denominations as said board of commissioners may determine, and shall be signed by the board of commissioners and attested by the auditor of said county, and to be sold at not less than their par value, after giving the usual published notice of such sale; and the proceeds so to arise from the sale of said bonds shall be used by said board of county commissioners for the purpose of completing the unfinished children's home in said county, and furnishing the same in a suitable manner.

SECTION 2. Said board of county commissioners shall, annually, in addition to the taxes now authorized by law, levy on the taxable prop-

erty of said county a sum sufficient to pay the principal and interest of said bonds.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 802.]

AN ACT

To authorize the trustees of Alum Creek Monthly Meeting of Friends to sell and convey certain lands, and re-invest the proceeds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Alum Creek Monthly Meeting of Friends be and they are hereby authorized and empowered to sell the real estate now owned by said Monthly Meeting of Friends, in the county of Knox and state of Ohio, being the same premises conveyed by Eli Haines to John Lewis, Thomas Townsend and Isaac Parker, under the date of the thirteenth day of September, in the year of our Lord one thousand eight hundred and fifteen, and recorded in book C, pages 264 and 265 of Knox county, Ohio, record of deeds, together with all the appurtenances thereto belonging, either at public or private sale, as to said trustees may seem best, and upon such terms as the judgment of said trustees may approve.

SECTION 2. Upon such sale as provided for in the first section of this act, said trustees are hereby authorized and empowered to make, execute and deliver to purchaser or purchasers of said property, a deed or deeds conveying the property so sold to the person or persons so purchasing, and such deed or deeds shall convey all the interest of said Monthly Meeting of Friends therein to such purchaser or purchasers in fee simple.

SECTION 3. The said trustees of said Monthly Meeting of Friends are further authorized and required to secure the payment of the deferred payments, if any there be, arising from the sale of said property, or otherwise.

SECTION 4. Said trustees of said Monthly Meeting of Friends are hereby authorized and empowered to re-invest the proceeds arising from the aforesaid sale provided for in section 1 of this act, by mortgage security on real estate, worth double the amount so secured, exclusive of improvements, at a rate of interest not to exceed eight per cent. per annum; such proceeds shall be held and controlled by said trustees for the exclusive use of said society of Friends.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 826.]

AN ACT

To authorize the council of the city of East Liverpool, Columbiana county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of East Liverpool, Columbiana county, Ohio, is hereby authorized and empowered to transfer the sum of twelve hundred and fifty dollars (\$1,250.00) from the interest fund to the general fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 845.]

AN ACT

To amend an act passed April 11, 1888, to divide Plain township, Stark county, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Plain, in the county of Stark, be and the same is hereby divided into three election precincts for all election purposes authorized by law, as follows: That sections 5, 6, 7, 8, the south half of section 9, and sections 16, 17, 18, 19, 20, and the west half of section 21, and section 30, and the north half of section 29, shall be known as the New Berlin precinct of said township, with place of holding election at the village of New Berlin; and sections 1, 2, 3, 4, and north half of section 9, and sections 10, 11, 12, 13, 14, 15, and the north half of sections 23 and 24, shall be known as the Middlebranch precinct of said township, with place of holding election at South Middlebranch, in said township; and the east half of section 21, and sections 22, 25, 26, 27, 28, and the south half of section 29, and sections 31, 32, 33, 34, 35, 36, shall be known as the Lautzenheiser school house precinct of said township, with the place of holding election at the Lautzenheiser school house of said township.

SECTION 2. That the original act be and the same is hereby repealed; and this act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 856.]

AN ACT

To authorize the trustees of the township of Elyria, Lorain county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Elyria township, Lorain county, be and hereby are authorized to transfer from the township fund to the monument fund the sum of two hundred and fifty dollars.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 862.]

AN ACT

To authorize the commissioners of Van Wert county to make an appropriation to the agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Van Wert county, Ohio, be and are hereby authorized to make an appropriation of the sum of six thousand dollars, out of any unappropriated money in the treasury of said county, and to pay the same to the Van Wert county agricultural society, to be used by said society in purchasing additional land, and paying their present indebtedness, and make all necessary improvements thereon.

SECTION 2. Should there be no such funds in said treasury, then said commissioners are hereby directed to issue the bonds of said county for such amounts as may be necessary, not to exceed the amount provided for in section 1 of this act. Such bonds to bear interest at not to exceed five per cent. per annum, interest payable semi-annually, and be payable at such place and time (not exceeding six years) as the commissioners of said county may determine; and to provide for the payment of said bonds, the said county commissioners are hereby authorized to levy such annual tax on all taxable property of the county as may be necessary therefor. Said levy to be collected and accounted for as other county taxes by the proper officers.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 883.]

AN ACT

To amend an act entitled "an act supplementary to an act entitled an act to authorize and require the commissioners of Belmont county to build a court house and jail, passed April 10, 1884 (O. L., v. 81, p. 329), and to amend section 4 of the same" (O. L., v. 82, p. 315), passed March 19, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of an act entitled "an act supplementary to an act to authorize and require the commissioners of Belmont county to build a court house and jail, passed April 10, 1884, and to amend section 4 of the same" (the supplementary act having been passed March 19, 1885), be amended to read as follows, to-wit:

[Sec. 2. That] section 4 of the aforesaid supplementary act be so amended as to read as follows, to-wit: The commissioners shall annually, at their June session, levy such tax as will pay the principal and interest on such indebtedness, not exceeding one and one-half mills on each dollar of valuation of taxable property within their county, in any one year; or may issue and sell the bonds of the county in any amount which may be necessary to anticipate the revenue from such taxes. Said bonds to be of such denominations as said commissioners may deem best, and shall run for a period not exceeding 20 years, and shall not be sold at less than par; nor bear a rate of interest exceeding 6 per cent. per annum, and shall be payable at the county treasury in said county.

SECTION 2. That section 2 of the supplementary act herein named be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed February 8, 1889.

[House Bill No. 918.]

AN ACT

To authorize the treasurer of Franklin township, Coshocton county, Ohio, to credit the township fund with one-half the funds received from the sale of certain railroad bonds or stocks, and the other half to the road fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the treasurer of Franklin township, Coshocton county, Ohio, is hereby authorized and directed to place to the credit of the township fund, one-half of the money received from the sale of certain railroad bonds or stocks, and the other half of said money to the credit of the road fund of said township.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed February 8, 1889.

[House Bill No. 919.]

AN ACT

To authorize and empower the board of county commissioners of Perry county to lease certain portion of building therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Perry county, Ohio, be and it is hereby authorized and empowered to lease, from time to time, for periods not exceeding three years, such portion of the county court house building in said county as may not be necessary for county purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 927.]

AN ACT

To authorize the council of the village of Collingwood, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Collingwood, Cuyahoga county, Ohio, be and it is hereby authorized to transfer from the police fund to the fire and water fund the sum of eight hundred dollars.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 944.]

AN ACT

To authorize the city council of the city of Dayton to transfer a certain fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Dayton be and the said council is hereby authorized to transfer from the Wolf Creek improvement fund of said city, the residue of money remaining in said fund, to a fund to be known as the East Side drain fund, and to be used in the construction of a drain on the east side of the Miami river levee in said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[House Bill No. 949.]

AN ACT

To authorize the council of the incorporated village of Van Wert to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Van Wert, Van Wert county, Ohio, be and the same is hereby authorized to transfer the sum of three thousand dollars from the bond and interest fund of said village to the street improvement fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 8, 1889.

[Senate Bill No. 384.]

AN ACT

For the relief of William Wilson, late treasurer of the Bluffton cemetery association of the village of Bluffton, Allen county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Bluffton cemetery of the village of Bluffton, Allen county, Ohio, are hereby authorized to release William Wilson, treasurer of said cemetery association, and his sureties, if any, on their official bond, or other liability as such treasurer, from the payment of the following sum of money, to-wit: one hundred and six dollars; provided, however, that said William Wilson, as such treasurer, shall, without recourse on him, fully transfer any and all certificates of deposit, or other evidence of indebtedness, which he, as such treasurer, may hold against the late Bluffton Exchange Bank, of Bluffton, Allen county, Ohio, to the trustees of said cemetery, or to his successor in office, to be held and used by them or him, and their successors in office, for the benefit of said cemetery association, and such transfer shall have the effect of a full and complete release of said William Wilson, late treasurer of said cemetery association, from any and all claims as such treasurer, by reason of the failure of said Bluffton Exchange Bank.

SECTION 2. This act shall take effect and be in force on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 391.]

AN ACT

To change the time for holding the court of common pleas in Perry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time for holding the April term, A. D. 1889, of the court of common pleas of Perry county, Ohio, as fixed by the judges of the seventh judicial district, be and the same is hereby changed so that said term shall be held on the twentieth day of May, A. D. 1889, instead of the time as fixed by said judges.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 400.]

AN ACT

To authorize the council of the city of Lima, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Lima, Ohio, be and the same is hereby authorized to transfer from the police fund of said city to the bridge fund thereof, the sum of two thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[Senate Bill No. 401.]

AN ACT

To authorize the city of Alliance, Stark county, Ohio, to borrow money and issue bonds therefor, to pay the outstanding indebtedness of the city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Alliance, Stark county, Ohio, be and the same is hereby authorized to borrow money and issue the bonds of said city in any sum not exceeding fifteen thousand dollars, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of paying the present floating debt of said city, consisting of sundry orders made, and claims created by councils from time

to time in the past, against its treasury, in excess of the money on hand at the time of their several issues.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said city; they may be made renewable from time to time within a term not exceeding fifteen years from their date of issue; they shall be in denominations of not less than one hundred dollars nor more than one thousand dollars, as said council may direct, and shall be issued and sold according to law at not less than their par value.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property in said city, not exceeding one mill on each dollar in any one year, in addition to the taxes now authorized by law, which levy shall be placed on the duplicate by the auditor of said county and collected as other taxes; and if in any year the amount thus raised exceeds the amount of the bonds and interest due in that year, such balance shall be carried to the sinking fund of said city, to apply on the general bonded debt and interest of the same.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 12, 1889.

[House Bill No. 976.]

AN ACT

To authorize the trustees of Huntington township, Ross county, to issue bonds for the purpose of purchasing a site and building a township house thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Huntington township, Ross county, Ohio, be and they are hereby authorized to issue the bonds of said township, for a sum not exceeding four hundred dollars, payable within two years from the date of their issue, and to bear not to exceed seven per cent. interest, payable annually, the proceeds of the sale of said bonds to be used for purchasing a site and to build a township house thereon.

SECTION 2. For the purpose of paying said bonds and the interest thereon as the same becomes due, the trustees are hereby authorized to levy sufficient taxes on all the property in said township in addition to all other taxes authorized by law.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 13, 1889.

[Senate Bill No. 325.]

AN ACT

To authorize the council of the city of Warren, Trumbull county, Ohio, to borrow money and issue bonds for the construction of a main sewer.

SECTION 1. *Be it enacted by the General Assembly of [the State of] Ohio,* That the council of the city of Warren, Ohio, be and hereby is authorized to borrow not exceeding \$25,000 for the purpose of constructing a main sewer, from such point or points in said city and to terminate at such point in the Mahoning river as said council may by resolution determine; and said council is hereby authorized to issue the bonds of said city for the money so borrowed; said bonds shall have plainly written or printed on their face, Warren city main sewer bond, and shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and said bonds and interest thereon shall be made payable at the office of the treasurer of said city, and shall be of such denominations, and mature at such times as said council shall determine; provided, that said bonds shall not be sold for less than their par value.

SECTION 2. Said council is hereby authorized to levy such amount of tax as hereinafter provided, upon all the taxable property of said city as may be necessary, above the statutory limit of taxation to pay the interest and principal of such bonds when the same become due.

SECTION 3. After the course and terminus of such sewer shall have been determined upon by said council, the city civil engineer shall make and report to the council plans and specifications for said sewer, together with a map of the same and an estimate of its cost, and shall, with the aid of two competent persons to be appointed by the council, report a careful estimate of what it would cost to provide each lot or parcel of land with local sewerage, which would be provided with local sewerage by such main sewer.

SECTION 4. The cost and expense of constructing said sewer shall be provided for in the following manner: So much thereof as would be equal to the cost and expense of a local sewer for each lot or parcel of land not provided with local sewerage, for which such main sewer will afford local sewerage, shall be assessed thereon in the manner and with the limitation as now provided by statute, and the remainder of the cost and expense of said sewer shall be assessed and collected upon all the taxable property within the first and second sewer districts of said city of Warren, Ohio, in the same manner as taxes for general purposes are levied and collected provide; provided, that no lot or parcel of land before assessed for local sewerage, and then provided therewith shall be assessed again as for local sewerage; provided, also, that the levying of taxes and issuing bonds, shall be first submitted to the electors of said city at an election, ten days' notice of which shall first be given by publication in two different newspapers of general circulation in said city; said election shall be held at the usual places of holding elections and conducted as other elections. The ballots shall have written or printed thereon, "Bonding city for sewer purposes—Yes;" or, "Bonding city for sewer purposes—No." If, at said election, a majority of those voting on the question vote yes, the council may at once proceed to issue said bonds; if a majority voting vote no, then they shall not issue said bonds.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[Senate Bill No. 343.]

AN ACT

Requiring the treasurer of Washington county, Ohio, to collect the rents arising from the ministerial section No. 29, in township 2, range 8, in the Ohio company's purchase; and amending the act of March 3, 1888, entitled an act to amend sections 9 and 11 of the act passed February 21, 1805.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter the treasurer of Washington county, Ohio, shall be authorized and required to collect the rents arising from the ministerial section No. 29, in Marietta township, at the same time that other taxes on the same property are collected to [by] him.

SECTION 2. The board of ministerial trustees of section 29 are hereby required to furnish the county treasurer annually, in July, with a copy of the ministerial duplicate or rent roll, showing the lots from which rents are due, the amount of rent due from each lot, or part of lot, and the names of the lessees or owners of the lots.

SECTION 3. The amount of money due for rent shall be paid by the lessees to the county treasurer, annually and in full, on or before the 20th of December.

SECTION 4. The amount so collected by the treasurer, together with the amount received annually from the state treasurer, shall be known as the ministerial fund of section 29, in Marietta township, and shall be paid out on the orders of the board of trustees.

SECTION 5. The county treasurer shall make a settlement with the board on the first Monday in May of each year; and may retain, as compensation, four per cent. of the money so collected or received and paid out by him.

SECTION 6. Delinquent rents shall be collected by the county treasurer at the same time, and in the same manner, and with the same penalties, that delinquent taxes on the same property are collected; and purchasers at delinquent sales, on receiving an auditor's deed, shall be entitled to receive a lease from the trustees of the part purchased.

SECTION 7. In cases where it is not practicable for the county treasurer to collect delinquent rents, he may return a list of such delinquents to the board of trustees, who shall proceed to collect the same in accordance with law. No exemption shall be allowed against any execution for collection levied in pursuance of this act. The clerk may receive 25 cents for the warrant, and the constable the usual fees, to be collected with the rent. The trustees, if they so choose, may bring a suit before a justice of

the peace, or in any court of competent jurisdiction, in accordance with an act passed April 14, 1888, providing for the collection of rents arising from any school or ministerial lands. In case the trustees re-enter upon the land, cancel the lease for non-payment of rents, and offer for sale the improvements on the property, and the right to a lease of the part sold, before the new lease is issued to the purchaser, the delinquent lessee shall be allowed one year's time for redemption of the property sold, and he shall be required to pay, in addition to the rents due, all costs incurred, and the same penalties now exacted in sales by the county treasurer for delinquent taxes.

SECTION 8. . All sales of lots in section 29 in Marietta township, from which ministerial rents are due, shall be made subject to the ministerial lien; and this claim for rents shall be distinctly expressed in all deeds of general warranty or other evidences of transfer, whether the sale be public or private.

SECTION 9. A meeting of the board shall be held on the first Monday in October in each year. At this time an examination shall be made of the society returns of membership taken in May preceding; the amount of money to be divided among the societies, and the amount due each society shall be determined; and the clerk directed to draw orders on the county treasurer in favor of the different societies, to be issued in March of the following year.

SECTION 10. The validity of outstanding leases in section 29 in Marietta township shall not be impaired by this act, requiring the rents to be paid to the county treasurer, instead of to the treasurer of the board.

SECTION 11. The act passed March 3, 1888, referring to the ministerial section No. 29 in Marietta township, is hereby repealed.

SECTION 12. This act shall take effect and be in force on and after the first day of May, 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[Senate Bill No. 387.]

AN ACT

To authorize the city of Columbus to borrow money and issue bonds [for] fire department purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Columbus be and they are hereby authorized and empowered to issue the bonds of the city of Columbus in an amount not exceeding twenty thousand dollars (\$20,000), for the purpose of purchasing a site for and the erection and equipment of a fire engine house in the southeastern part of said city; said bonds shall be issued in such denominations not exceeding one thousand dollars (\$1,000) each, as the said city council may determine, and shall be payable in twenty years, and redeemable in ten years from their date. All of said bonds shall bear

such rate of interest, not exceeding six per cent. per annum, payable annually or semi-annually, as the city council may determine; and said bonds shall in all respects be made and disposed of as provided by law.

SECTION 2. The city council of said city of Columbus shall levy annually, on all the property in said city, a tax sufficient in rate and amount to pay the accruing interest on such bonds, and to provide a sinking fund to pay said bonds at maturity; and such levy may be additional in rate and amount to the taxes authorized by law to be levied for any and all purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[Senate Bill No. 395.]

AN ACT

To authorize the commissioners of Coshocton county to appropriate and distribute certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Coshocton county, Ohio, be and they are hereby authorized to appropriate and distribute the funds recently realized from the sale of Pittsburgh, Cincinnati and St. Louis Railway stocks, to-wit: the sum of \$19,115.50, as follows, to-wit: to county fund, five thousand dollars; to bridge fund, two thousand dollars; to infirmery fund, two thousand dollars; to road fund, ten thousand one hundred and fifteen dollars and fifty cents.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 797.]

AN ACT

To authorize the incorporated village of St. Bernard, Hamilton county, to issue town hall bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of St. Bernard, in Hamilton county, Ohio, be authorized to borrow money and issue bonds therefor,

not to exceed fifteen thousand dollars (\$15,000), for the purpose of building a townhall; said bonds to be of such denominations as said council may deem proper, and shall run for a period not exceeding twenty-five years, to bear interest not to exceed six (6) per cent. per annum, payable semi-annually.

SECTION 2. This act shall be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 805.]

AN ACT

To authorize the village council of Leetonia, Ohio, to issue bonds for the purpose of providing said village with a system of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Leetonia, in the county of Columbiana, and state of Ohio, be and is hereby authorized and empowered to issue the bonds of said village, in any sum actually needed for the purpose, but in no case exceeding fifty thousand dollars, and bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, and to be of such denominations as the village council shall by ordinance prescribe, but not less than one hundred dollars each, and shall be made payable at such times and place as the council shall by ordinance prescribe, but not more than thirty years from date, and which bonds shall not be sold for less than par in cash. The proceeds of said bonds shall be used for the purpose of buying or leasing the necessary land and water right and material, and constructing thereon and therewith a system of water-works for said village, and for no other purpose whatever; the said bonds shall be signed by the mayor of said village and attested by the clerk thereof, and the seal of the village, and when sold the proceeds shall be paid to the treasurer of the village, who shall hold and disburse the same as other village funds are by him held and disbursed.

SECTION 2. If any bonds of said village be issued as hereinbefore provided, it shall be the duty of the council of said village, annually thereafter, until the said bonds and the interest thereon is fully paid, to assess and levy a tax on all the taxable property of the corporation, sufficient to provide for the payment of said bonds as they fall due, with interest accruing thereon. All earnings of said water-works, after deducting current expenses, shall be paid into the sinking fund and used for the extinguishment of said indebtedness.

SECTION 3. Provided, that before said bonds are issued, the village council shall submit the proposition to the electors of said village, at a special election, to be held for such purpose, at such time as the council shall determine by resolution, notice of which shall be given of the time and place of holding such election, and the amount of bonds to be issued, at least ten days prior to the time of holding such election, in a newspaper

of general circulation in said village, and the form of the ballot shall be as follows: Those in favor of the construction of water-works and the issuing of said bonds, shall have written or printed on their ballots, "Water-works—Yes;" those opposed to the construction of water-works and the issuing of said bonds, shall have written or printed upon their ballots, "Water-works—No." The election shall be held in accordance with the election laws of the state, but the poll-book and returns thereof shall be made to the village clerk, who shall present them to the council, when the same shall be opened and canvassed, and the result declared, and entered upon the minutes of said council; and if it shall appear that a majority of the ballots cast at such election were in favor of water-works and the issuing of said bonds, then the council shall proceed to issue such bonds, and not otherwise; provided, however, before issuing said bonds or contracting any liabilities whatever, the council shall fix, by ordinance, on what streets said water pipes shall be laid, giving dimensions and kind of pipe to be used; the number of fire-plugs and distance from each other; the height to which the water is to be raised, which shall be of sufficient height to conduct water to any part of the village; the number of miles of pipe to be laid, and such other matters as may be necessary to have a complete and sufficient system of water-works. After the passage and publication of said ordinance, as prescribed by law, the council shall advertise for sealed proposals, in accord with the provisions of said ordinance, and which proposals may be for a part or the whole of the labor and materials to be furnished, as the council in its discretion may deem best, and if it is ascertained upon the opening of said bids that said water-works can be built complete in every respect, and that good and responsible parties will enter into the contract, with good and sufficient bond that they will build said water-works, or such part as may be let to them, for a sum not to exceed fifty thousand dollars for the whole, said council may accept such proposal as in their judgment is most reasonable, economical and satisfactory, and enter into a contract for such purpose, and may issue the bonds as herein provided, and not otherwise. Said council may at the same time advertise for proposals for private companies, who may build and own water-works in accord with the provisions of said ordinance, to supply said village and the citizens thereof with water for all purposes, public and private, and if it is ascertained that it would be for the interest of said village to contract with any private company, for any period not exceeding twenty years, for the supply of water as aforesaid, then said council shall have power to enter into a contract with such private company, and to issue such amount of bonds, and to levy such annual taxes as may be necessary to pay for such annual supply, not exceeding three thousand dollars per year.

SECTION 4. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed February 19, 1889.

[House Bill No. 876.]

AN ACT

To authorize the commissioners of Summit county to sell certain real estate, and to purchase a site for a children's home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Summit county, Ohio, be, and they are hereby authorized and empowered, in their discretion, to sell and convey the real estate heretofore purchased by them, situate in Tallmadge township, in said county, for the purpose of erecting thereon a children's home for said county, under the provisions of section 929 of the Revised Statutes of Ohio.

SECTION 2. The said commissioners are also hereby authorized and empowered, in their discretion, to expend the proceeds of the sale authorized by section 1, of this act, together with the other moneys for the time being in the children's home fund of said county, in the purchase of a suitable site and the erection thereon of the necessary buildings, for such children's home, in accordance with the provisions of said section 929 of the Revised Statutes of Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 922.]

AN ACT

To authorize the commissioners of Ashland county, Ohio, to provide for the deficiencies in the county funds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ashland county, Ohio, for the purpose of meeting and providing for a deficiency in the county funds of said county, are hereby authorized to issue bonds in an amount, not exceeding twenty thousand dollars (\$20,000). Said bonds shall bear a rate of interest not exceeding six per cent. per annum, payable semi-annually, and shall be of such denominations, from five hundred dollars to one thousand dollars each, and shall be payable at such times, not exceeding four years from date of issue, as said county commissioners may determine, and shall be sold according to law.

SECTION 2. Said bonds and interest shall be paid out of an additional tax of not exceeding one and three-tenths mills, to be levied by the county commissioners of said county to the annual levy of 1889.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 930.]

AN ACT

To authorize the city of Columbus to borrow money and issue bonds for sewerage purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Columbus, be and they are hereby authorized and empowered to issue the bonds of the city of Columbus, in an amount not exceeding ninety thousand dollars (\$90,000.00), for the purpose of paying the cost and expense of constructing a main trunk sewer to drain the portion of said city north of ninth avenue. Said bonds shall be issued in such denominations, not exceeding one thousand dollars (\$1,000.00) each, as the said city council may determine, and shall be payable in twenty years and redeemable in ten years from their date. All of said bonds shall bear such rate of interest, not exceeding six per cent. per annum, payable annually, or semi-annually, as the city council may determine; and said bonds shall, in all respects, be made and disposed of as provided by law.

SECTION 2. The city council of said city of Columbus shall levy annually, on all the property in said city, a tax sufficient in rate and amount to pay the accruing interest on such bonds, and to provide a sinking fund to pay said bonds at maturity, and such levy may be additional in rate and amount to the taxes authorized by law to be levied for any and all purposes.

SECTION 3. Permission is hereby granted to said city of Columbus to construct and maintain said sewer through the Ohio state university lands, upon such proper line as the city civil engineer may determine; provided, however, that the property of the state of Ohio, shall not be assessed to pay for the construction of said sewer or any portion of it, and that no fee shall be charged such property for tapping or using said sewer.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 947.]

AN ACT

To authorize the council of the incorporated village of Bellville, Richland county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Bellville, Richland county, Ohio, be and the same are hereby authorized and empowered to transfer one hundred and forty-seven dollars and sixty-nine cents (\$147⁶⁹/₁₀₀) from the sewer fund to the general fund.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 977.]

AN ACT

To authorize the incorporated village of Camden, Preble county, Ohio, to issue bonds for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Camden, Preble county, Ohio, be and the same is hereby authorized to issue bonds, not exceeding in amount the sum of fifteen hundred dollars (\$1,500), the proceeds of which bonds shall be used for the purpose of completing and furnishing a town hall now in process of construction in said village.

SECTION 2. Said bonds shall be payable at such times not exceeding thirteen (13) years from the respective dates thereof, as said council may determine; they shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually. They shall be sold for not less than their par value and shall be issued and sold according to law.

SECTION 3. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said council is hereby authorized to levy a tax on all the taxable property of said village, which shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 19, 1889.

[House Bill No. 969.]

AN ACT

To authorize the council of the incorporated village of Milford, in Clermont and Hamilton counties, to borrow money and construct a building for town hall, council chamber and village prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Milford, in Clermont and Hamilton counties, be and is hereby authorized to issue the bonds of said village in any amount not exceeding fifteen thousand dollars, to sell the same and use the proceeds thereof to purchase a site or adjoining land to that the village now has, as it may deem best. And [erect] such building or buildings as may be deemed necessary for a town hall, council chamber and village prison.

SECTION 2. Said bonds shall be issued to such an amount, not exceeding fifteen thousand dollars, in such denominations and be payable at such time or times as said council may determine. They shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value. They shall be signed

by the mayor, countersigned by the clerk, and be authenticated by the seal of said village.

SECTION 3. For the payment of said bonds and interest thereon, said council shall levy a tax in addition to the amount otherwise authorized by law, every year during the period of said bonds have to run, sufficient in amount, each year, to pay the bonds falling due that year and the interest as it accrues.

SECTION 4. After council shall determine the amount of bonds to be issued in pursuance of this act, and before the bonds are issued, or tax is levied in pursuance hereof, the question of issuing said bonds shall be submitted to a vote of the qualified electors of said village, at an election to be held at such time as the council may determine, and may be at either a general or special election, notice of which shall be given, by the mayor of said village by posting said notice in at least five of the most public places in said village, for at least ten days prior to said election. Said notice shall state the amount of bonds to be issued, the purpose for which they are to be issued and the time and place of holding the election. Those voting in favor of the proposition, shall have written or printed on their ballots, the words, "For the issue of bonds;" and those voting against the proposition the words "Against the issue of bonds;" and if the majority of the electors voting at such election, upon the question of issuing bonds vote in favor thereof, then the bonds may be issued and tax be levied in pursuance hereof.

SECTION 5. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections, and the clerks and judges of said election shall certify to the council of said village the result of the same. If a majority of the electors voting at said election, as provided in section 4 of this act, vote in favor of this proposition, the council shall proceed to advertise and sell said bonds, in manner as provided by law for the sale of municipal bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed February 19, 1889.

[Senate Bill No. 364.]

AN ACT

To authorize the council of the city of Mt. Vernon, Knox county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Mt. Vernon, Knox county, Ohio, be, and it is hereby authorized to transfer to the fuel and light fund the sum of five

hundred dollars (\$500.00) from the general fund, and two thousand dollars (\$2,000.00) from the fire fund, realized from the present levy.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No 851.]

AN ACT

To authorize the council of the incorporated village of Bairdstown, Wood county, Ohio, to issue bonds to pay general and floating indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Bairdstown, Wood county, Ohio, be and is, hereby authorized to issue the bonds of said village, in the sum of two thousand and five hundred dollars (\$2,500), in denominations of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) each, bearing interest at a rate not exceeding (6) per cent. per annum from date of issue, payable annually, or as said council may direct; the proceeds of the sale of such bonds to be used only for the purposes named in the title, viz., to pay general and floating indebtedness.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village and shall not be sold for less than their par value. The principal shall be payable within ten years from the date of said bonds, as the council may determine, and the council of said village is hereby authorized to levy a tax upon all the taxable property of said village, in excess of that now authorized by law to be levied, to pay said bonds and interest as the same shall become due.

SECTION 3. Said bonds shall not be issued nor a tax levied for the same, until the question of issuing said bonds shall have first been submitted to the voters of said village of Bairdstown, Wood county, Ohio, at a general or special election, of which at least ten days' notice shall be publication in some newspaper printed and of general circulation given by in said village. At such election the tickets shall have written or printed upon them the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." And no bonds shall be issued under this act, unless a majority of such votes shall be in favor of the issue of such bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 878.]

AN ACT

To authorize the trustees of Kirkwood township, Belmont county, to assume certain duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Kirkwood township, Belmont county, are authorized and empowered to assume the functions and duties of the school land trustees of said township, as provided for in section 1368 of the Revised Statutes.

SECTION 2. That this act shall take effect from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 904.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Clermont county, Ohio, be and they are hereby authorized to construct a free turnpike road, beginning at a point in the Williamsburg and Batavia turnpike road, near the residence of G. W. M. Mount, in Batavia township; thence in a northerly direction with the line of the old road through the lands of George Smith, G. W. M. Mount and Frank Shades; thence with the line of the old road through the lands of F. M. Smith, Alexander Maham, Thomas Mitchell and Samuel Maham, to intersect the Williamsburg and Boston free turnpike road near the residence of George Maham.

SECTION 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said road; provided, that said bonds shall not bear interest at a higher rate than six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value; provided further, that said bonds may [be] extended to such time as they can be paid at a levy of two-tenths of a mill on the dollar on the tax duplicate of said county.

SECTION 3. Said commissioners, before proceeding to construct said road, or any part thereof, shall require and secure from those interested in said improvement, a subscription or donation equal in amount to twenty per centum of the cost of said improvement to aid in the construction of the same.

SECTION 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax not exceed-

ing two-tenths of one mill on the dollar, annually, on any and all taxable property in said county, in excess of the taxes now authorized by law.

SECTION 5. That said commissioners may locate the said road upon the whole or any part of any county or township road heretofore laid out and established, and widen, alter, change or vacate the same, or any part thereof; and shall have power to lay out, locate and survey such turnpike through any improved or unimproved lands, and are hereby authorized for that purpose to condemn and appropriate the necessary lands therefor, in pursuance of the laws of Ohio, for the appropriation of private property for public purposes, and the payment of compensation therefor.

SECTION 6. That a majority of said board of commissioners, shall at any regular session be necessary to agree upon specification and order said improvement, or any part thereof.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 907.]

AN ACT

To authorize the council of the incorporated city of Galion, Crawford county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated city of Galion, Crawford county, Ohio, be and is hereby authorized and empowered to transfer the sum of fifteen hundred dollars (\$1,500.00) from the police fund to the general improvement fund of said city.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 914.]

AN ACT

To authorize the commissioners of Warren county, to make an appropriation to the Warren county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Warren county, Ohio, be and they are hereby

authorized to make an appropriation of the sum of \$7,800.00, out of any money in the treasury of said county, and pay the same to the Warren county agricultural society, for the purpose of liquidating an indebtedness now existing against said society. Should there be no funds in said treasury that can be so appropriated, then said county commissioners are hereby authorized, empowered and required to sell the bonds of said county to the amount of said sum of \$7,800.00, according to law; and out of the proceeds of the sale of said bonds, said county commissioners shall pay said sum of \$7,800.00 to said agricultural society, and the said county commissioners are hereby authorized to levy a tax on all of the taxable property in said county to pay said bonds and the interest thereon, as the same become due.

SECTION 2. Before such bonds shall be issued or tax levied, the question of issuing said bonds, and the levying a tax therefor, the same shall be submitted to a vote of the qualified electors of said county, at the regular election in April, 1889, notice of which fact shall be published by the commissioners of said county, in at least, two newspapers of general circulation in the county, for a period not less than three weeks. The tickets voted at said election shall have written or printed thereon, "Authority to county commissioners to issue bonds—Yes;" or, "Authority to county commissioners to issue bonds—No." The judges of election shall make return of said vote to the clerk of the court of the county, who shall canvass the same and make a report to the county commissioners of the number of votes for and against said proposition. If the proposition to issue bonds is approved by a majority of all the electors voting on said proposition at said election, the commissioners of said county shall have authority to issue said bonds and to levy said tax as provided for in this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 932.]

AN ACT

To authorize the school board of Delta special school district, Fulton county, Ohio, to issue bonds, [and] borrow money to erect and finish a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Delta special school district, in Fulton county, Ohio, be and is hereby authorized to issue the bonds of said district and sell the same, not to exceed fifteen thousand dollars, in addition to the amount which said board is now authorized to issue, and to use the proceeds thereof in building and furnishing a school house in said district.

SECTION 2. Said bonds shall be in sums of one thousand dollars each, the first of which shall be made payable not later than the year A. D. 1890, and the remainder thereof shall be made payable one

each year thereafter, until all are paid. They shall bear interest at a rate not exceeding six per cent. per annum, to be paid annually, and shall not be sold for less than their par value. Said bonds shall be signed by the president and clerk of said board upon the resolution of the board, and a complete record of the same shall be kept by said clerk.

SECTION 3. Said board of education shall cause the necessary taxes to be levied to pay the interest on said bonds, and to pay the principal thereof, as the same shall become due, in the manner provided by law for levying taxes for school and school-house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 955.]

AN ACT

To authorize the city council of the city of Galion, Ohio, to issue bonds for the purpose of completing their electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Galion, Ohio, be and is hereby authorized and empowered to issue bonds of said city in a sum not exceeding seven thousand dollars (\$7,000), in denominations of five hundred dollars (\$500) each, bearing interest not exceeding six per cent. per annum, payable semi-annually, and made payable at such times as said city council may, by resolution, prescribe, but not to exceed fifteen (15) years. Said bonds shall not be sold for less than their par value, and the proceeds arising from the sale thereof shall be used for the purpose of completing their electric light plant, and for no other purpose.

SECTION 2. That the city council shall, annually, appropriate, out of any money in the city treasury, that shall hereafter be levied and collected as taxes, for the purpose of paying the cost and expenses of lighting said city, a sum sufficient to pay said bonds and the interest thereon at maturity.

SECTION 3. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 970.]

AN ACT

To authorize the village council of the incorporated village of Paulding, Ohio, to issue and sell bonds for the purpose of replenishing the fire and expense funds of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Paulding, Paulding county, Ohio, be and it is hereby authorized to issue and sell bonds of said village, in the aggregate sum of two thousand dollars (\$2,000), bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and of denominations not less than one thousand dollars each, made payable at such times as said council may, by resolution, prescribe, but not less than five nor more than ten years from date. Said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof, and shall not be sold for less than their par value, and the proceeds therefrom shall be used for the purpose of replenishing the fire and expense funds of said village in such proportions as the said council may by resolution direct.

SECTION 2. For the purpose of paying said bonds and the interest thereon as they may become due, the council of said village is hereby authorized to levy a tax not to exceed two mills on the dollar, per annum, at such times as it may deem necessary, upon all the taxable property, both real and personal, of said village, in addition to the amount otherwise allowed by law, to be collected as other taxes; and the money so collected shall be used for the payment of said bonds and the interest thereon, and for no other purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 971.]

AN ACT

To authorize the village council of the incorporated village of Waverly, Pike county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Waverly, Pike county, Ohio, be and are hereby authorized to transfer seventy-seven dollars and thirteen cents (\$77.13), from prison fund; seventy-three dollars and four cents (\$73.04), from poor fund; and two hundred and sixty-seven dollars

and forty-one cents (\$267.41), from fire cistern fund to street and alley fund.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 972.]

AN ACT

To authorize the commissioners of Pike county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pike county, Ohio, be and are hereby authorized to transfer the sum of three hundred and twenty-five dollars and forty-six cents (\$325.46), from the Idaho, Jasper and Piketon pike fund to the general turnpike fund, and the sum of two thousand seven hundred and seven dollars and thirty-three cents (\$2,707.33) from the county bond fund to the county fund.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 980.]

AN ACT

To authorize the Commissioners of Seneca county to issue bonds to replenish the bridge fund and to make a levy to pay the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Seneca county be and are hereby authorized to issue the bonds of said county in an amount not to exceed twenty-five thousand (\$25,000.00) dollars, in such denominations as they may see fit, to bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, for the purpose of making good a deficiency in the bridge fund of said county, caused by the last great flood in said county; said bonds shall be payable, not to exceed five years after the issue thereof, and shall not be sold for less than their par value; and said bonds shall be signed by the commissioners and countersigned by the auditor of said county, and may have interest coupons attached thereto, signed by the auditor.

SECTION 2. For the purpose of raising the money to pay said bonds and the interest thereon, said commissioners are hereby authorized to levy, on the general duplicate of taxable property of said county, a tax sufficient to meet the same in addition to the taxes now authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 981.]

AN ACT

To authorize the council of the incorporated village of Bryan, Williams county, Ohio, to issue bonds to pay indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Bryan, Williams county, Ohio, is hereby authorized to issue bonds, not exceeding in amount the sum of three thousand dollars, in such denominations as may be ordered by said council, bearing interest at the rate of six per cent. per annum, payable semi-annually, and redeemable at such times, not less than three years from date, as the council may, by ordinance, prescribe.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value.

SECTION 3. The proceeds of such bonds shall be used for the purpose of paying existing indebtedness of said village and redeeming bonds now outstanding.

SECTION 4. For the purpose of paying the interest on said bonds and the principal thereof, the council of said village is hereby authorized to levy, annually, a tax upon all the taxable property of said village of Bryan, in addition to the amount already allowed to be levied by law, sufficient to pay the interest and to create a sinking fund to pay the principal thereof as the same shall fall due.

SECTION 5. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 997.]

AN ACT

To authorize the incorporated village of Corning, Perry county, Ohio, to issue bonds for the purpose of meeting deficiencies in the general fund of said village

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Corning, Perry county, Ohio, is hereby authorized to issue bonds, not exceeding in amount the sum of twenty-one hundred dollars, for the purpose of meeting deficiencies in the general fund of said village.

SECTION 2. Said bonds shall be signed by the mayor of said incorporated village and countersigned and registered by the clerk thereof, and may be issued in denominations of not less than one hundred dollars nor more than three hundred dollars, bearing interest at the rate of six per centum per annum, payable annually; the principal and interest to be paid in one, two, three, four, five, six and seven years from the first day of March, A. D. 1889, and in such amounts each year as the council of said village may direct.

SECTION 3. For the payment of the principal and interest of said bonds, as the same shall become due, the council of said village is hereby authorized, and required to levy a tax on all taxable property within the corporate limits of said village, in such amounts as will each year meet the principal and interest then falling due upon said bonds, which levy shall be placed upon the tax duplicate by the auditor of said county and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 1004.]

AN ACT

To authorize the city council of the city of Youngstown to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Youngstown are hereby authorized to transfer the sum of twenty-five hundred dollars from the police fund to the general fund of said city.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 1030.]

AN ACT.

To authorize the village council of the incorporated village of Belleview, in Huron and Sandusky counties, Ohio, to issue bonds and levy a tax for the purpose of repairing, improving and extending the public water works system of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Belleview, in Huron and Sandusky counties, Ohio, be and the same is hereby authorized to issue the bonds of said village in an aggregate amount not exceeding twenty-five thousand (\$25,000) dollars, bearing interest at a rate not exceeding six per centum per annum from date of issue, said interest payable semi-annually, for the purpose of repairing, improving and extending the public water works system of said village.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk thereof, and shall not be sold for less than their par value, and shall be issued at such times and in such amounts, and mature at such dates, respectively, as the council of said village shall determine, by ordinance, and said village council is hereby authorized to levy a tax upon all the taxable property of said village, to pay said bonds and the interest thereon when the same become due.

SECTION 3. The funds realized from the sale of said bonds shall be appropriated and used by the council of said village for the purpose of repairing, improving and extending the public water works system of said village, which water works, when completed, shall be used, operated and controlled in such manner as may be prescribed by law and the ordinance of said village enacted in conformity therewith.

SECTION 4. Before such bonds shall be issued or tax levied, the question of issuing said bonds and the levying a tax therefor, shall be submitted to a vote of the qualified electors of said village, at a regular election or a special election called for that purpose, as the council of said village may order; notice of such election shall be given by public notice posted up at ten of the most public places in said village, at least ten (10) days before said election. The tickets voted at said election shall have written or printed thereon, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds is approved by a majority of all the voters voting at said election, the council of said village shall have authority to issue the said bonds and levy the said tax as provided for in this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 1038.]

AN ACT

To authorize the city council of the city of Mansfield, Richland county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Mansfield, Richland county, Ohio, be and is hereby authorized to transfer from the bonded debt fund to the general fund thereof, the sum of ten thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 22, 1889.

[House Bill No. 1080.]

AN ACT

To authorize the council of the village of Greenwich, Ohio, to issue bonds and levy a tax for the purchase and improvement of suitable cemetery grounds; for the purchase of a fire engine and other apparatus; and for the payment of present indebtedness thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Greenwich, Huron county, Ohio, be and the same is hereby authorized to issue the bonds of said village, not exceeding in amount the sum of five thousand dollars, as herein-after provided, for the purposes following, to-wit: For the purchase and improvement of suitable cemetery grounds, for said village, for the purchase of a fire engine and other fire apparatus, and water receptacles for the use of said village; and for the payment of present indebtedness thereof.

SECTION 2. Said bonds shall be of such denomination, and payable at such times and bear interest at such rate, not exceeding six per cent. per annum, payable semi-annually, as the council of said village may direct, but said bonds shall not be sold for less than their par value.

SECTION 3. For the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said village, in addition to that otherwise authorized by law, to such amount each year as shall be necessary to the payment of the principal and interest of such bonds.

SECTION 4. Before the said council shall have authority to issue said bonds and levy said tax, the question of such issue and levy shall first be submitted to the voters of said village at a regular or special election held for that purpose; such election shall be held in the same manner which, and at the same place where elections are usually held in said village, and notice thereof shall be given by publication in a newspaper printed and of general circulation in said village for two consecutive weeks prior to

said election. Those electors who favor the issue of such bonds and the levy of said tax, shall have written or printed on their ballots the words, "Issue of bonds—Yes;" and those who are opposed to such issue and levy shall have written or printed on their ballots the words, "Issue of bonds—No." And if a majority of the votes cast at such election are in favor of the issue of such bonds, the council of said village shall be authorized to issue said bonds and make said levy for the purposes aforesaid.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 26, 1889.

[House Bill No. 858.]

AN ACT

To authorize the trustees of Jefferson township, Brown county, Ohio, to erect a township hall, finish off and furnish the same, and to issue bonds and levy a tax therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Jefferson township, Brown county, Ohio, be and they are hereby authorized and empowered to issue its bonds, not exceeding twelve hundred dollars, for the purpose of erecting a township hall, on what is known as the public square in the incorporated village of Russellville, in said township, finishing off and furnishing the same.

SECTION 2. Before such bonds shall be issued or tax levied, the question of issuing said bonds and levying of a tax therefor, the same shall be submitted to a vote of the qualified electors of said township, at their next annual spring election. Notice of said election shall be given by public notice posted up at five of the most public places in said township, at least twenty days before said election. Said notice shall specify the object for which said election is to be held, the amount of bonds proposed to be issued, with the rate per cent. of interest they are to draw, and the number of yearly levies to be made; the tickets voted at said election shall have written or printed thereon, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds is approved by a majority of all the voters voting at said election, the township trustees shall have authority to issue its bonds for an amount designated in section one of this act, and to levy a tax therefor, as hereinafter provided.

SECTION 3. Said bonds, when so authorized, shall be issued by the trustees of said township in denominations of not less than fifty nor more than two hundred dollars, and shall be drawn from one to four years, with interest at six per cent. per annum, payable semi-annually, and at such place as the trustees may designate; they shall express on their face the purpose for which issued; shall be signed by the trustees, and countersigned by the clerk of said township, and shall not be sold for less than their face value.

SECTION 4. No more such bonds shall be sold than is necessary to erect said township hall and finish off and furnish the same. Said bonds to be sold from time to time as the work progresses, and in such amounts as shall be required and made necessary for the completion of the same.

SECTION 5. For the purpose of carrying out the provisions of this act, the trustees are hereby authorized and required to levy, annually, at the time of making other levies, a tax not exceeding one mill on the dollar, upon all the taxable property of the township, an amount sufficient to pay said bonds with accrued interest as they become due.

SECTION 6. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[House Bill No. 1020.]

AN ACT

To authorize the commissioners of Adams county to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Adams county, Ohio, be and the same are hereby authorized to construct the following turnpike roads, to-wit:

First road: Beginning at the Jacksonville and Locust Grove pike near David Coblers, running thence with the township road to intersect the new Chillicothe road at a point near T. J. McMillen's; thence with said new Chillicothe road in a southerly direction to a point at the forks of the road near the steam furnace and near a school house.

Second road: Beginning at the Scioto county line where said line crosses the Portsmouth and Hillsboro state road about three-quarters of a mile west of the village of Rarden, extending thence westward by the most practicable route to intersect the West Union and Locust Grove turnpike at a point corresponding with the eastern terminus of the Tranquility turnpike.

Third road: Beginning in the Locust Grove and West Union free turnpike road about one mile south of Locust Grove and near the Locust Grove cemetery, thence along the old road, or as near thereto as practicable to the bridge across Brush creek at the Marble furnace, in Bratton township, Adams county, the point of termination.

Fourth road: Beginning at the Mineral springs in Meigs township, thence running north on or near the survey heretofore made to Mineral Springs station on the Ohio and Northwestern railroad.

SECTION 2. Said commissioners may, in their discretion, order at once the building of said roads, or a part of them, as near the location thereof as may be practicable; and may require donations not exceeding twenty per centum of the estimated costs of the roads ordered to be built, and may issue bonds for the construction of the same, bearing six per cent. interest, which shall not be sold for less than their par value;

and may levy a tax not exceeding three mills on the dollar, annually, on the taxable property of said county, for the purpose of paying said bonds and interest thereon.

SECTION 3. A majority of said board of commissioners may, at any regular or special session, agree upon plans and specifications, and order said improvements or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[House Bill 1068.]

AN ACT

To authorize the village of Harmar, Washington county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Harmar is hereby authorized to transfer six hundred dollars (\$600) from the landing fund and three hundred dollars (\$300) from the general fund to the fire fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[House Bill No. 1205.]

AN ACT

To authorize the commissioners of Pickaway county, Ohio, to issue bonds and borrow money to cover a deficiency in the county treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Pickaway county, be, and they are hereby authorized and empowered to issue the bonds of said county in an amount, not exceeding fifty thousand dollars (\$50,000), in addition to the amount now authorized by law, which bonds shall be in sums of not less than one hundred nor more than one thousand dollars, payable at such times, not exceeding two years from September 1st, A. D. 1889, as the said commissioners may deem expedient. Said bonds to bear interest from

date at the rate of six per cent. per annum, payable semi-annually, on the 1st day of March and the 1st day of September of each and every year, until said bonds shall have been paid. The issuing of said bonds being necessary to supply a deficiency occasioned by defalcation of treasurer of said county.

SECTION 2. Said bonds shall have coupons attached thereto, representing the semi-annual interest thereon as it shall become due; and said bonds shall be sold as provided by law.

SECTION 3. The commissioners and auditor of said county are hereby constituted a board, and authorized to pay out of the funds now in said treasury, any amount which may be due the state, the township, township school, city, village, and special district school, corporation and other trust funds, and apportion the money arising from the sale of said bonds, among the several funds of said county, in proportion to the requirements thereof, as may be determined by the judgment of said board.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed February 27, 1889.

[House Bill No. 916.]

AN ACT

To divide Cardington township, Morrow county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Cardington township, Morrow county, Ohio, be divided into two election precincts, and said two election precincts shall be known as the east and west precincts of said township, and shall be divided by the following line, to-wit: Beginning where Marion street crosses the south line of said township; thence north with said street to the north line of the incorporated village of Cardington; thence west with the Marion road to the north-west corner of said village; thence northwest with said Marion road to its intersection with a township road on the lands of John Sellars and Jacob Heil, Jr.; thence north with said township road to its intersection with the north line of said Cardington township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 18, 1889.

[House Bill No. 1017.]

AN ACT

To authorize the trustees of Saltcreek township, Muskingum county, to assume certain duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Saltcreek township, Muskingum county, are authorized and empowered to assume the functions and duties of the school land trustees of the said township, as provided for in section 1368 of the Revised Statutes.

SECTION 2. That this act shall take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 28, 1889.

[House Bill No. 1070.]

AN ACT

To change the name of Wm. D. Thorman and Sallie R. Thorman, of Adams county, to that of Wm. D. Coleman and Sallie R. Coleman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Wm. D. Thorman and Sallie R. Thorman, of Adams county, be changed to that of Wm. D. Coleman and Sallie R. Coleman.

SECTION 2. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed February 28, 1889.

[Senate Bill No. 398.]

AN ACT

To amend section 1 of an act entitled an act "to incorporate the Granville academy," passed March 14, 1836, relating to change of name and granting literary degrees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be and hereby is established in the town of Granville, in the county of Licking, an institution for the education of youth in the various branches of useful knowledge, by the name of the Granville female college; and that Rev. Jacob Little, Samuel Bancroft, Spencer Wright, Knowles

Lennel, Leonard Bushnell, William Smedley, Timothy M. Rose, Henry L. Bancroft, Ebenezer Crawford, Edwin C. Wright, and William W. Bancroft, and their successors be, and they are hereby appointed trustees of said institution, with power to grant literary degrees, and made a body corporate and politic, with perpetual succession, to be known by the name and style of "the trustees of the Granville female college."

SECTION 2. That section 1 of an act passed March 14, 1836, to which this is amendatory, is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[Senate Bill No. 403.]

AN ACT

To authorize the city of Warren, Ohio, to raise additional money for the purpose of erecting a soldiers' monument on its public grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city of Warren, Ohio, by its council, be authorized to levy and assess a tax of one and one-half mills, in addition to all other levies authorized by law, on the taxable property of said city.

SECTION 2. The amount raised, as authorized in section 1 of this act, is to be paid to the committee heretofore appointed under an act entitled "an act to authorize the trustees of Warren township, Trumbull county, Ohio, to levy a tax for the purchase of a lot and the erection of a soldiers' monument thereon," passed March 20, 1885, and an act supplementary thereto, passed March 6, 1888.

SECTION 3. The question of levying said tax shall be submitted to a vote of the qualified electors of said city, at the regular April election, A. D. 1889, at the usual place of holding elections in said city, of which at least ten days' notice shall be given by publication in two newspapers of opposite politics, of general circulation therein, and at such election the ballots to be voted shall have written or printed, or partly written and partly printed thereon the words: "Additional tax—Yes;" or, "Additional tax—No." And if a majority of those voting on said proposition are in favor of the same, then it shall be the duty of said city, by its council, to levy said tax.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[Senate Bill No. 439.]

AN ACT

To authorize the trustees of Burton township, Geauga county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Burton township, Geauga county, are hereby authorized and empowered to transfer from the road fund of said township to the township fund, any amount not exceeding one mill on the dollar of the taxable valuation of the property of said township annually hereafter.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[Senate Bill No. 456.]

AN ACT

Supplementary to the act to authorize the village of Oxford, Butler county, Ohio, to erect or purchase an electric light plant, passed and took effect January 31, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Oxford, Butler county, Ohio, be, and hereby is authorized and empowered to create a board of three trustees to construct, maintain and operate an electric light plant under the provisions of the act of [to] which this bill [act] is supplementary.

SECTION 2. That said trustees are to be appointed by the mayor and confirmed by the council of said village, as soon as practicable after the passage of this act, to serve one for one year, one for two years, and one for three years; and annually thereafter one trustee to be appointed each year to serve for the term of three years; and all vacancies that may occur in said board, through death, resignation or otherwise, may be filled by appointment of said mayor and by confirmation of said village council; and said trustees shall not receive any compensation for their services.

SECTION 3. Said board of trustees may construct, maintain and operate said electric light plant provided for in said act to which this bill [act] is supplementary; may make rules and regulations for constructing or operating said electric light plant; may manufacture and supply said village with electric light, and sell and furnish electric light to the citizens desiring to use the same, on such terms and at such prices as said board may prescribe; collect all bills, and moneys due for light or other materials sold by said board and pay the same to the treasurer of said village; may manage, conduct and control said electric light plant, and to carry into effect the provisions of this act; may also purchase materials, employ laborers, appoint officers, purchase or lease the necessary real estate, and erect buildings and other necessary structures thereon; and may also pass

upon, certify and order paid by the treasurer of said village out of the funds to the credit of said board all debts contracted by said board, and all bills made under its direction and all expenditures necessary for the construction or operation of said electric light plant; and said board shall be required to report to the village council as often as said council may order.

SECTION 4. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 899.]

AN ACT

To reorganize Smith township, Mahoning county, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Smith township, Mahoning county, be and the same is hereby divided into three election precincts, as follows: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, and the northern half of sections 13, 14 and 15 shall constitute and be known as precinct No. 1; sections 19, 20, 29, 30, 31, 32, and the western half of sections 21, 28 and 33 shall constitute and be known as precinct No. 2; sections 22, 23, 24, 25, 26, 27, 34, 35, 36, the southern half of sections 13, 14, 15, and the eastern half of sections 21, 28 and 33 shall constitute and be known as precinct No. 3.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 925.]

AN ACT

To authorize the commissioners of Columbiana county to build a jail and sheriff's residence, and repeal an act passed March 15th, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Columbiana county, Ohio, are hereby authorized to erect a jail and sheriff's residence in said county, at a cost not to exceed thirty thousand dollars.

SECTION 2. Said county commissioners, before entering into any contract in respect to the erection of said jail and sheriff's residence, shall cause plans and specifications, detailed drawings and forms to be prepared, and keep the same at some public and convenient place for inspection.

SECTION 3. All contracts shall be made in writing in the name of said county commissioners, and shall be by them signed, and the same shall be attested by the county auditor of said county. Alterations and modifications of any contract shall be made by order of said board of county commissioners, and such order shall be of no effect until the price to be paid for the work or material under such altered or modified contract has been agreed upon in writing and signed by the contractor and said commissioners; and no contractor shall be allowed to recover anything for extra work or material, caused by any alteration or modification, unless an order is made, and agreement signed as aforesaid, nor shall any contractor, in any case, be allowed or recover more for any such work or materials than said agreed price.

SECTION 4. Said board shall not enter into any contract for the erection of said jail and sheriff's residence, without first causing thirty days' notice to be given in three newspapers of general circulation in said county, that sealed proposals will be received for doing the work or furnishing the material.

SECTION 5. All bids for such work shall be enclosed in a sealed envelope, deposited with the county auditor, and shall have endorsed thereon the nature of the same, and all bids shall be opened by said county commissioners at the time and place as stated in such notice.

SECTION 6. Said commissioners shall contract with, according to law, upon bond being given to the state of Ohio, for the use of Columbiana county, with such sureties as the commissioners shall approve, that the work shall be performed in accordance with the contract; provided, that the work may be let in whole or in part, and the commissioners may reject any or all bids.

SECTION 7. To create a fund to defray the expenses to be incurred under this act, the said county commissioners of said county may borrow such sum or sums of money, from time to time, as may be necessary to carry on such work, not exceeding in all the sum of thirty thousand dollars, at a rate of interest not greater than 6 per cent. per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof; such interest shall be paid semi-annually after the date of issue, at the treasury of said county, or in the city of New York, at the discretion of the said commissioners; and the principal of said bonds shall be payable at such times and places as the said commissioners shall prescribe within, not exceeding ten (10) years, nor less than one (1) year from the date thereof; said bonds shall not be sold for less than their par value, and the first payment of interest shall be for such portion of the six months as may have elapsed between the date of its issue and the time specified in them for the payment of interest thereafter.

SECTION 8. The bonds so issued shall be signed by the said commissioners, or any two of them, and countersigned by the county auditor. They shall be issued in sums of not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars each; they shall have interest coupons attached, and shall be numbered by serial numbers, and shall be registered in the office of the county auditor.

SECTION 9. The said county commissioners shall, annually, at their June session, levy such amount of tax as will pay the interest on said bonds, and after New Years from the date of said bonds, shall in like manner levy such further sum, annually, as may be necessary to pay said bonds as they respectively become due.

SECTION 10. That the commissioners of said county, before issuing any bonds as provided in this act, or creating any indebtedness in anticipation thereof, shall, at some general or special election, after giving twenty days' notice of said election, by publication in at least two newspapers of general circulation and published in said county, of the time and places of such election, submit the question of building such jail and sheriff's residence to the qualified voters of said county. The ballots to be voted at said election shall have written or printed thereon the words, "Jail—Yes;" or, "Jail—No." And if the number of votes cast at said election in favor of building such jail and sheriff's residence exceed the number of votes cast at said election against building such jail and sheriff's residence, then, and not otherwise, the commissioners of said county shall be authorized to carry out the provisions of this act.

SECTION 11. That an act passed March 15th, 1888, entitled "an act to authorize the commissioners of Columbiana county, state of Ohio, to build a jail and sheriff's residence and issue bonds therefor," is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 939.]

AN ACT

To change the name of Henry Lechner to Henry Lafner.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Henry Lechner be changed to that of Henry Lafner.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 983.]

AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to use certain funds in the construction of water-works and reservoir at Longview asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, Ohio, be and they

are hereby authorized, on the request in writing of the board of directors of Longview asylum, to apply and use in the erection of necessary water-works and reservoir for the use of Longview asylum, any funds now in the county treasury, or which may hereafter come into said treasury, arising from the sale of lands made under the authority of the act of the General Assembly of Ohio, passed April 15th, 1874, entitled "an act to authorize the county commissioners of Hamilton county to become vested with the title of, and to sell certain lands, and to use the proceeds thereof in connection with other funds, in the erection of additional buildings for Longview asylum" (Ohio Laws, vol. 71, page 182).

SECTION 2. Said water-works and reservoir shall be built according to plans and specifications to be agreed upon by said board of county commissioners of Hamilton county and the board of directors of Longview asylum.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 998.]

AN ACT

For the relief of the Union county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of the county of Union, is hereby authorized, in its discretion, to pay out of the general fund of said county, any indebtedness of the agricultural society of said county, contracted for land and the erection of a building, which is secured by mortgage on said land; provided, that the amount so authorized to be paid shall not exceed the sum of twenty-two hundred dollars, with interest from September 9, 1889.

SECTION 2. This act shall take effect and be in force from the time of its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1018.]

AN ACT

To authorize the council of the village of Port Clinton, Ottawa county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Port Clinton, Ottawa county, Ohio, is hereby

authorized and empowered to transfer the sum of one thousand dollars (\$1,000) from the police fund to the general fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1127.]

AN ACT

To authorize the council of the village of Dresden, Muskingum county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Dresden, Muskingum county, Ohio, be and it is hereby authorized to transfer from the light fund \$50.00; from the police fund \$300.00; and from the general fund \$1,700.00, in all \$2,050.00, for the purpose of creating a fund for purchasing fire apparatus.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1031.]

AN ACT

To authorize the village of Clyde, Sandusky county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the village of Clyde, Sandusky county, Ohio, be and hereby is authorized to transfer certain funds of said village, now in the treasury thereof, and to be realized from the annual levy made by ordinance, passed May 18th, 1888, as follows, to-wit: From the general purpose fund, the sum of one thousand (\$1,000) dollars, to the sinking fund of said village; from the marshal and police fund, the sum of two hundred (\$200) dollars, to the street improvement fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1037.]

AN ACT

To authorize the trustees of Montgomery township, Wood county, Ohio, to issue bonds for the purchase of lot and the erection of soldiers' monument.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Montgomery township, Wood county, Ohio, are hereby authorized to issue the bonds of said Montgomery township for the sum of two thousand dollars (\$2,000), for the purchase of a site (if one is not donated) and the erection thereon of a soldiers' monument.

SECTION 2. The question of issuing said bonds shall be submitted to the voters of Montgomery township, at a regular or special election, notice of which shall be given by the township trustees causing to be posted in not less than five (5) separate, public places in said township, notices of said election, for at least ten (10) days before such election shall be held. The tickets used at such election shall have written or printed on them the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." The trustees shall not be authorized to issue bonds for the purpose named in this act, unless a majority of such votes be in favor of the question.

SECTION 3. If a majority of votes shall favor the issue of bonds for the purpose named in this act, the trustees of said Montgomery township shall levy a tax on all the taxable property of said township, and make a proper return of such levy to the auditor of Wood county, to be placed by him on the duplicate of said township and collected as other taxes. The levy shall be made at such a rate as to meet the payment of the bonds as they may fall due, with the interest accrued on the same, and may be made in three consecutive annual levies.

SECTION 4. Said bonds shall be issued in the sum of \$666.66 $\frac{2}{3}$ each, and shall be made payable on the 25th day of June of the years 1891, 1892 and 1893. One bond of the amount named above shall be paid on each of the dates named in this section. Said bonds shall bear such a rate of interest as may be determined by the trustees, not, however, to exceed (6) six per cent. per annum.

SECTION 5. Within thirty days after the result of the election, as provided for in section 2 of this act, shall be known, if the result be in favor of issuing such bonds, the trustees of Montgomery township shall notify the county commissioners of such result, and on the receipt of such notice, the commissioners of Wood county shall proceed at their first regular meeting to appoint a committee of five (5) resident freeholders of Montgomery township, three of whom shall be members, in good standing, of some grand army post situated in said township. Said committee shall serve without compensation, and it shall be their duty to select site for such soldiers' monument, select design for the same, and superintend the construction of said monument. Said committee shall, before entering upon their duties, make and execute to the trustees of Montgomery township a bond in the sum of five thousand dollars (\$5,000) for the proper performance of their duties imposed upon them. Said committee shall have full control of the fund raised for this purpose under this act, and shall file with the trustees of Montgomery township, annually, a statement of their expenditures for the purposes named in this act.

SECTION 6. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1001.]

AN ACT

To authorize the city council of the city of Bucyrus, in Crawford county, Ohio, to borrow money and issue bond: therefor, for the purpose of procuring territory and right of way, sinking wells for natural gas, purchasing and laying pipes, and supplying said city with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Bucyrus, in Crawford county, Ohio, be and they are hereby authorized to issue the bonds of said city, for an amount not exceeding ten thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of procuring territory, right of way, sinking wells for natural gas, purchasing and laying pipes to supply such city and the citizens thereof with natural gas for public and private use and consumption; provided, that no bonds shall be issued or tax levied under the provisions of this act, until the question of issuing said bonds shall have been submitted to the qualified electors of said city, at an election held at such time after the passage of this act as the said city council shall determine; and ten days' notice of such election and submission shall be given by the mayor of said city, in one or more newspapers published in said city, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding said election; and if a majority of the electors voting at such election upon the question of issuing the said bonds, vote in favor thereof, then the said bonds must be issued and the said tax be levied.

SECTION 2. Those voting in favor of the said proposition shall have written or printed on their ballots the words, "For the issue of bonds;" and those voting against the same, the words, "Against the issue of bonds."

SECTION 3. The principal of said bonds shall be payable at such places and at such times, not exceeding ten years from the date of issue, as the said city council shall determine by ordinance; and the said city council are hereby authorized to levy a tax upon all the taxable property of said city of Bucyrus to pay said bonds and the interest thereon, but such tax shall not exceed two mills on the dollar in any one year.

SECTION 4. Said bonds shall be issued in such sums as the said city council shall determine, and shall be signed by the mayor and countersigned by the clerk of said city, and the clerk shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1198.]

AN ACT

To authorize the commissioners of Henry county, Ohio, to issue bonds for the redemption of other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of county commissioners of Henry county, Ohio, for the purpose of raising money to redeem the bonds of said Henry county, Ohio, issued April 1, 1882, under and pursuant to the provisions of sections 871, 872, 873, 874 and 875 of the Revised Statutes of Ohio, and a resolution of the said board of county commissioners of said county, passed March 9, 1882, and now outstanding, be and they are hereby authorized to issue the bonds of said county, not exceeding thirty thousand dollars (\$30,000). Such bonds shall be payable at the office of the county treasurer of said Henry county, Ohio, at such times as the commissioners of said county may determine, but no part thereof shall be payable at a later date than April 1, 1904.

SECTION 2. Said bonds shall be issued and signed by the commissioners, and countersigned by the auditor, who shall keep and preserve a record of each bond so issued, in a book provided for that purpose, and they shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually.

SECTION 3. Said bonds shall be issued in sums not less than five hundred dollars (\$500), and have such coupons or interest-bearing warrants attached as the commissioners may direct, which shall be made negotiable and transferable; and it is further provided, that the bonds issued under the provisions of this act shall be sold according to law.

SECTION 4. The commissioners of said county shall annually, at their June session, levy such amount of taxes as will pay the interest on such indebtedness and at least one-fifteenth of the principal. No part of the money raised by such levy shall be used for any other purpose than the payment of the said bonds and interest, and no part of the money received from the sale of bonds authorized to be issued by this act shall be used for any other purpose than the redemption of said bonds for which such new issue is made.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 1, 1889.

[House Bill No. 1047.]

AN ACT

To provide for the improvement of roads in Washington county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in order to provide for the early and needed improvement of the roads in Washington county, the commissioners of said county shall have power to borrow two hundred thousand dollars in money; and, for that purpose, to issue bonds not exceeding the said sum in the aggregate, bearing date the first day of July, A. D. 1889, in the denomination of \$500, payable at the office of the treasurer of said county, at such times, not less than three years, nor more than fifteen years from the first day of September, A. D. 1889, as said commissioners shall determine, and bearing interest at a rate not exceeding five per centum per annum, payable at said treasurer's office, semi-annually, on the first day of March and the first day of September.

SECTION 2. Said commissioners, in case they decide to exercise the powers granted by this act, shall, at their regular June session in the year A. D. 1889, by resolution, in the adoption of which all the members of the board shall concur, declare the necessity of borrowing two hundred thousand dollars in money, for the purpose of improving the roads of said county, and that bonds of the commissioners of said county for that sum in the aggregate shall be issued in accordance with the provisions of this act. And said resolution shall also determine and specify the rate of interest which such bonds shall bear, and the several times when the principal of the same shall become payable, and the sums thereof payable at said times; provided, that the total sum of interest and principal to become payable in any one year, shall not exceed twenty thousand dollars.

SECTION 3. Upon the adoption of said resolution, it shall be the duty of the auditor of said county to cause to be prepared suitable bonds, in due form, for execution as hereinafter provided. Said bonds shall be payable to bearer; shall be numbered from 1 to 400 consecutively, and shall be signed by said commissioners, and each bond shall state upon its face the amount for which the same is issued, the time when and place where it will become payable, the rate of interest thereon, and when and where payable (according to interest coupons to be attached thereto), and that the faith of said county commissioners is pledged for the payment thereof, principal and interest. Provided, that each of said bonds, before the same shall become binding, or of any force or effect as an obligation of said county or said commissioners, shall have indorsed thereon a certificate to be signed by the auditor of said county, and with the seal of his office affixed thereto, to the effect that such bond is one of a series of bonds for the sum of two hundred thousand dollars in the aggregate, issued under this act, in pursuance of a resolution of the commissioners of said county, adopted at their June session, A. D. 1889, and that the same has been sold as provided by this act, and the proceeds thereof paid unto the treasurer of said county. And the said commissioners shall execute each of said bonds by signing their names thereto, on or after said first day of July and before the said first day of September, A. D. 1889; but the auditor shall not affix his signature to any such certificate nor to any coupon, upon any of said bonds, until such bonds shall have been sold, and the

proceeds thereof received as hereinafter provided. And the said interest coupons shall be numbered correspondingly with said bonds, and shall be signed by said auditor, and said bonds shall be registered by said auditor, in a book to be kept by him for that purpose, in such manner as to show when the same are severally payable, and when the same are severally sold, the amount for which the same are sold, and when redeemed or destroyed. And such bonds, when executed by the commissioners as aforesaid, shall be deposited in the treasury of said county for safe keeping until sold, and the treasurer's receipt taken for the same by said commissioners, which receipt shall be recorded in their minutes, and filed with said auditor. All of said [bonds] and coupons not sold within three years from their date, shall be burned and destroyed by the commissioners, and a record of such destruction entered upon their minutes.

SECTION 4. Said commissioners may sell said bonds, from time to time, when, in their judgment, funds may be needed for the construction, repair or improvement of the roads in said county, for not less than their par value and accrued interest, after advertising for sealed bids for the same, to be received and opened by said commissioners at certain specified dates, by publication for thirty days in at least two newspapers published in said county, and in such other manner as they may deem advisable; provided, that not more than one hundred and thirty of said bonds shall be sold in the year 1889, not more than one hundred and thirty-four in the year 1890, and the remainder in the year 1891; and, provided further, that all bonds sold in the years 1890 and 1891 shall be sold on or before the first day of June in said years respectively. And it shall be the duty of said commissioners, annually at their June session, after the issue and sale of any of said bonds as aforesaid, to levy upon the taxable property of said county, taxes sufficient to pay all the interest and principal of such bonds so sold as aforesaid before that time, to become payable in the next succeeding calendar year; provided, that said commissioners shall anticipate the sale of said one hundred and thirty bonds so authorized to be sold in the year 1889, and shall at their said June session of said year, levy taxes as aforesaid, sufficient to provide for the payment of the interest to become payable on said one hundred and thirty bonds, in the year 1890. And all moneys received from taxes collected under such levies shall be applied to the payment of such bonds, principal and interest, as they may mature, and to no other purpose; excepting that any such moneys so received, and in the treasury of said county at any time, in excess of the amount that will be required for the payment of principal and interest of bonds to mature before the funds to be received from the next collection of taxes will be so available and sufficient for said purpose, may be applied and expended in the building and improvement of roads, as provided in section five of this act.

SECTION 5. All moneys received from the sale of such bonds shall be paid into the treasury of said county, and shall be appropriated, paid and expended on the order of the said commissioners, from time to time, when, in their judgment, the same is necessary, for the purpose of laying out, altering, building, grading, ballasting and improving the roads in said county, under the powers of said commissioners given by law, and for no other purpose. And said commissioners may, from time to time, employ such competent superintendents and surveyors as they may deem necessary for the proper construction and improvement of said roads, at such rates of compensation as shall be fixed and determined by and between such superintendents and surveyors respectively, and said commissioners,

at or before such employment. And the auditor of said county shall be paid such sum annually, on the order of said commissioners, as they shall deem just and reasonable compensation of his services under this act; and all such moneys so payable to said superintendents, surveyors and auditor, together with the expenses of issuing and selling such bonds, shall be paid out of the road fund of said county. Provided, that before the commissioners are authorized to exercise the powers conferred by this act, the question shall be submitted to a vote of the qualified electors of said county, at the regular annual election to be held on the first Monday of April, A. D. 1889, due notice of which shall have been given by the county auditor for at least three weeks, by the publication of this act in all the newspapers published at the county seat of said county. Those voting in favor of said proposition shall have written or printed on their ballots, "For road improvement—Yes;" and those opposed shall have written or printed on their ballots, "For road improvement—No;" and if a majority vote in favor of such improvement, then it shall be lawful to make the same, in a manner as provided in this act. And returns of the vote so cast shall be made to the county auditor without delay.

SECTION 6. This act shall take effect on its ~~passage~~.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO F. DAVIS,
President pro tem. of the Senate.

Passed March 7, 1889.

[House Bill No. 1173.]

AN ACT

To authorize the township trustees of Silver Creek township, Greene county, Ohio, to sell the cemetery purchased by them May 29, 1874, to remove the bodies remaining therein, and purchase other grounds for a cemetery.

WHEREAS, On the 29th day of May, 1874, the township trustees of Silver Creek township, Greene county, Ohio, purchased from O. N. Strong ten and eight-tenths acres of land adjoining, or near the incorporated village of Jamestown, and laid the same off into suitable lots for a cemetery, some of which were sold to divers persons and used for the burial of the dead; and after having expended considerable money in draining or attempting to drain said lands and make them suitable for the purposes aforesaid, they find that the ground is totally unsuited and unfit for such purposes, being "spouty" and wet, and it is impossible to make them suitable for said purposes, and a great many persons who have had friends interred therein, after having discovered the condition of said lands, have disinterred said bodies and removed them elsewhere; and

WHEREAS, Said place has been abandoned as a place of burial for the dead, except in case of paupers, or those not able to procure other suitable places of burial; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Silver Creek township, Greene county, Ohio, be and are hereby authorized and empowered to sell and dispose of said

premises, at public or private sale, as a whole, or in lots, as they may deem best and in a manner they can realize the most for the same, and upon such terms of sale as they may deem best, either for cash or on time, but not longer than two years, and if upon time, for not less than one-third cash, the deferred payments to be secured by mortgage on the premises.

SECTION 2. Before said cemetery shall be abandoned or sold, twenty days' notice shall be given of the intention to so abandon or sell said cemetery, by publication in some newspaper published in said county, and said question of selling and abandonment of said cemetery shall be submitted to the electors of said township at some general or special election held in said township, within ten days after the publication of the aforesaid notice. The ballots at said election, if the same be a general election, shall have written or printed thereon, in addition to the names of the candidates voted for at said election, the words, "Sale of cemetery—Yes;" or, "Sale of cemetery—No." If a majority of the voters voting at said election upon said question shall vote in favor of the sale of the cemetery, then the said trustees shall proceed to sell the same as herein provided.

SECTION 3. Before selling said cemetery, as provided for in this act, the trustees shall give twenty days' notice in some newspaper of general circulation in said township, of the intention to sell said cemetery, and of the removal of said bodies, so that persons having friends buried therein may remove them in such manner and to such places as they may desire; and in addition to such publication, the township clerk shall mail copies of said notice to persons interested or owning lots wherein bodies are buried; and at the expiration of said time the trustees may proceed to have the bodies remaining in said cemetery carefully and separately disinterred, so far as practicable, and separately re-interred in a proper and becoming manner in some cemetery in the vicinity of Jamestown, Ohio, and all monuments, tombstones, headmarks or other gravemarks, erected to their memory, shall be removed and again set up, properly, over the respective remains in the new place of interment. The trustees shall also remove before said sale, all of the stone lot marks that are located upon said premises, and safely store them for use in another cemetery which the said trustees shall purchase with the funds arising from said sale. The trustees shall also, out of the funds realized from said sale, refund to the respective owners of the lots sold in said cemetery, the several sums so paid by them for said lots, without interest; provided, however, that said lot owners shall have the privilege of exchanging said lots for similar lots in said new cemetery so to be purchased by said trustees, providing there shall have been any person buried upon said lot, otherwise, it shall be at the option of said trustees to let them have other lots in exchange, or to refund them the purchase price paid for said lots as herein provided.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 8, 1889.

[Senate Bill No. 414.]

AN ACT

To change the name of Maud Wise to Maud Wheeler.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Maud Wise, a resident of Trumbull county, Ohio, be and the same is hereby changed to Maud Wheeler.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 440.]

AN ACT

To change the time of holding the courts of common pleas in the counties of Shelby and Allen for the year 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the judges of the first subdivision of the third judicial district of Ohio, for holding a term of said court in the county of Shelby on the 9th day of September, 1889, be changed so that said term shall be held on the 30th day of September, 1889; and the time for holding a term of said court in the county of Allen on the 7th day of October, 1889, be changed so that the said term shall be held on the 11th day of November, 1889.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 441.]

AN ACT

To open and construct a certain road in Jefferson county, and to provide funds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Jefferson county, Ohio, be and are hereby authorized to open and construct a good and sufficient road from the

county bridge on Wills creek to Franklin avenue, in the city of Steubenville, on the route recently established by said commissioners, at a cost, including damages, not to exceed six thousand (\$6,000) dollars, in addition to the amount provided for by section one (1) of an act passed April 17, 1886, entitled "an act to improve certain roads in Jefferson county, Ohio, and to provide payment therefor."

SECTION 2. To provide funds for carrying into effect the provisions of this act, said commissioners may levy on the tax duplicate of said county, in addition to other levies now provided for by law, such amount as may be necessary to complete said road improvement.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 443.]

AN ACT

To authorize the council of the incorporated village of Shelby, Richland county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Shelby, Richland county, Ohio, is hereby authorized and empowered to transfer from the marshal and police fund of said village the sum of twelve hundred dollars, to the street improvement fund of said village, to be used and expended under the direction of said council in the improvement of the streets of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 452.]

AN ACT

To authorize the city of Tiffin, Seneca county, to make certain levies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Tiffin, in Seneca county, Ohio, be and hereby is authorized and empowered to levy, in addition to that now

authorized by law, a tax, from year to year, upon all the taxable property in said city, sufficient to pay the principal and interest of the bonds of said city as they mature, issued and dated September 22, 1888, and denominated "Park Bonds;" those issued and dated July 14, 1888, and denominated "Improvement Bonds;" and also those issued and dated November 5, 1888, and denominated "Corporation Bonds;" and to apply the revenue arising from such levies to the payment of said bonds, or any that maybe issued to refund the same, and the interest thereon.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 454.]

AN ACT

To change the name of Ernest L. Philbrick to Ernest L. Boynton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Ernest L. Philbrick, a citizen of Warren, Trumbull county, be changed to Ernest L. Boynton.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

[Senate Bill No. 455.]

AN ACT

To authorize the council of the city of Steubenville to transfer funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Steubenville be and it is hereby authorized to transfer not more than twenty-five hundred (\$2,500) dollars from the general expense fund, and not more than twenty-five hundred (\$2,500) dollars from the marshal and police fund, to the fire department fund of said city, such sum not to be of funds set apart and necessary for current expenses.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 8, 1889.

AN ACT

Providing for the erection of a soldiers' memorial hall at Ironton, Ohio.

WHEREAS, By an ordinance entitled an ordinance providing for the erection and maintenance, in Lincoln park, of a soldiers' memorial hall, with a public library and reading room therein, passed January 22, 1889, the council of the city of Ironton, Lawrence county, Ohio, did grant permission to the Dick Lambert post, No. 165, G. A. R., department of Ohio, to construct in Lincoln park, in said city, on a portion set apart for such purpose, a memorial hall (containing commodious apartments for a public library and reading room) to commemorate the patriotism of the union soldiers and sailors of Lawrence county who served in the war of the rebellion, said hall to be built and controlled by a board of trustees elected, part by said post and part by said city, as provided for by said ordinance, after the manner and upon the terms and conditions specified therein; and

WHEREAS, Money enough cannot be raised by subscription to erect and furnish a building that will answer the public and patriotic purposes in view; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Ironton, Ohio, shall, at the spring election of 1889, submit to the qualified voters of the city the question of taxation to the amount of twenty thousand dollars (\$20,000) for the purpose of erecting a soldiers' memorial hall in accordance with the provisions of said ordinance. Ten days' notice of such submission shall be given by publication in two newspapers of said city. Those voting in favor of such taxation shall write or print on their ballots, "Soldiers' memorial hall—Yes;" and those opposed thereto shall write or print on their ballots, "Soldiers' memorial hall—No."

[SECTION 2.] If two-thirds of the votes cast on said question at the election shall be in favor of such taxation, the council shall forthwith issue the bonds of said city to the amount of twenty thousand dollars (\$20,000), which bonds shall be of such denominations, and payable at such place and times, not exceeding twenty years, as the council may determine, and shall bear interest not exceeding five per cent. per annum, payable semi-annually, and shall not be sold for less than their par value, commencing with the year 1889. The council shall, annually, levy on the taxable property of the city a tax not exceeding one-half mill in each year to pay the principal and interest of the bonds as the same shall mature, which tax may be in excess of the maximum now allowed by law.

SECTION 3. The council shall pay over the funds arising from the sale of said bonds to the treasurer of the board of trustees aforesaid, upon his giving bond to the city of Ironton in the sum of twenty thousand dollars (\$20,000), with good and sufficient sureties, to the approval of the said trustees and the council, conditioned that he will, in accordance with the terms of this act and said ordinance, faithfully discharge his duties and pay over all moneys which may come into his hands as such treasurer.

SECTION 4. The said trustees shall expend such funds (the proceeds of the bonds authorized by this act) in erecting a memorial hall to cost not less than twenty thousand dollars (\$20,000), which shall be built,

SECTION 2. If, in the opinion of said township trustees, it would be more equitable so to do, they may levy one-third of said amount mentioned in the first section of this act in 1889, one-third in 1890 and one-third in 1891.

SECTION 3. It shall be the duty of the trustees of Hubbard township, within thirty days after the due ratification by a majority vote at the election, as provided for in the first section of this act, to appoint a committee of five resident electors, who shall serve without compensation, whose duty it shall be to at once select a lot or lots in said cemetery, and as soon as practicable select and purchase and have erected thereon a suitable monument to the memory of the union soldiers and sailors of Hubbard township, who served in the war of the rebellion, and who died during the war, and who have since died, or who may hereafter die. Said committee shall have the full control of all the money raised under this act.

SECTION 4. After the erection and completion of said monument, its custody and care shall be with the trustees of said union cemetery.

SECTION 5. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 11, 1889.

[House Bill No. 884.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county, Ohio, are hereby authorized to construct the following free turnpike road: commencing at the intersection of the so-called Bethel and Felicity turnpike, at a point known as Philips' corner, in Tate township; thence to follow the line of road known as the Step-stone road, in a south-westerly direction to the intersection of the said Step-stone road with the road known as the Salt Air and Point Isabel turnpike, near the residence of George W. Merrell, and said road shall not be less than thirty nor more than sixty feet wide.

SECTION 2. That said commissioners may, if they deem best, issue bonds for the construction of said road; provided, said bonds shall not bear interest at a higher rate than six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value; provided further, that said bonds may extend to such time as they can be met by a levy of two-tenths of one mill on the dollar, on the tax duplicate of the county.

SECTION 3. That said commissioners shall, before proceeding to construct said road, or any part thereof, require and secure from those interested in said improvement, a subscription or donation equal in amount to

twenty per centum of the cost of said improvement, to aid in the construction of said road.

SECTION 4. That for the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax, not exceeding two-tenths of one mill on the dollar, annually, on any and all taxable property in said county in excess of the taxes now authorized by law.

SECTION 5. That a majority of said board of commissioners shall, at any regular session, be necessary to agree upon specifications, and order said improvement, or any part thereof.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 349.]

AN ACT

To allow a certain private road in Union township, Ross county, to be worked as a public road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the private road leading from a point near Marfield's mill, on the Chillicothe and Frankfort turnpike, north along the berme bank of the Ohio canal to a point opposite the roadway now used by Martin Briggs and others, and from thence to the mile basin along and on the berme bank of said canal, all in Union and Scioto townships, Ross county, shall be considered a public highway for purposes of road work, and that the road supervisors of the districts through which it runs, shall cause labor to be performed thereon as on other roads.

SECTION 2. This act shall take effect from its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 964.]

AN ACT

To authorize the village of Arcadia, Hancock county, Ohio, to borrow money and issue its bonds therefor, for the purpose of buying the natural gas plant in said village now owned by the citizens of said village and vicinity, and for sinking wells for natural gas, if necessary, and purchasing and laying pipes and supplying said village and its citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Arcadia, in Hancock county, Ohio, be and it hereby is

authorized to issue its bonds for an amount not exceeding eight thousand dollars, for the purpose of buying the natural gas plant now owned by the citizens of Arcadia and vicinity, and for sinking wells for natural gas, if necessary, purchasing and laying pipes, and constructing the necessary buildings, fixtures and machinery to supply such village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 2. Before such bonds, or any of them, shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village, at a special election, to be held at such time as the council of such village shall appoint. The tickets voted shall have written or printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by a majority of those voting upon the proposition, the village shall have authority to issue such bonds for the purpose named as provided in this act.

SECTION 3. The council of such village, within ninety days after the passage of this act, shall publish notice of the submission of such question, by posting in at least five public places in said village five notices, in writing or printed, giving the time, place and purpose of such election and amount of money to be raised and bonds to be issued therefor, for at least ten days prior to such election, and such election shall be held in all respects, not otherwise herein provided for, as municipal elections are now required by law to be held in such village.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of such village in denominations not less than fifty nor more than one thousand dollars, payable in such times, not exceeding six years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine. They shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village. And said council is authorized to advertise and sell said bonds according to law, for the purpose of raising money to purchase said gas plant, sinking wells for gas and purchasing and laying gas mains and pipes necessary to supply the citizens of said village with gas.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for and required by the actual and necessary cost of purchasing the present natural gas plant, and sinking wells, if any be required for the purpose named, the purchase and laying of pipes and other necessary expenses. They shall be sold, from time to time, as they shall be required, and in such amounts as shall be required and made necessary by the progress, and for the proper completion of the works; and all proceeds and moneys arising from the sale of such bonds shall be used exclusively for and applied to the payment of the plant, or work, labor, material and other expenses as may be necessary for the supply of gas for the purpose aforesaid.

SECTION 6. The plant shall be under the control of the council of the village, and all moneys collected or received from the village or the citizens thereof, for gas furnished and consumed for public or private use, and all net income, revenue, and profits arising therefrom shall be and hereby are pledged and shall be applied to the payment of such bonds and interest as the same become due; and the council of such village is

hereby authorized to levy a tax, annually, not exceeding three mills, on the taxable property within such village, in addition to the tax now, by law, authorized to be levied, in such amount as will each year be sufficient, with the amount collected from consumers, to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual extinguishing of such bonds.

SECTION 7. All moneys so applicable to the payment of such bonds, which shall come into the hands of such officers of the village before such bonds, or any of them become due, shall be used to purchase such bonds, or invested under the order of the council as a sinking fund, to be applied to the payment of such bonds as they become due.

SECTION 8. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 996.]

AN ACT

To provide for the release of James R. McElroy, Eli Wolfley, John Arnold and J. B. Burns, as bondsmen of Josiah Boutwell, a defaulting treasurer of Orange township, Hancock county, Ohio.

WHEREAS, On the 2d day of April, 1888, one Josiah Boutwell, of Orange township, Hancock county, Ohio, was elected treasurer of said township, and on the 7th day of April, 1888, was duly qualified and gave bond to the acceptance of the trustees of said township, in the sum of ten thousand dollars, conditioned according to law with James R. McElroy, Eli Wolfley, John Arnold and J. D. Burns, as bondsmen and sureties thereon; and

WHEREAS, Said Josiah Boutwell, afterward as such treasurer, duly entered upon the duties of said office and received into his hands divers sums of money belonging to the school and township funds of said township, amounting to about six thousand dollars, and afterwards, on or before the eleventh day of April, 1888, appropriated said money to his own use and left with the same for parts unknown, and has not returned or accounted for the same and thereby became and still is a defaulter as to said money; and

WHEREAS, Such legal measures have been taken as will result in securing out of the property of said Josiah Boutwell only about twelve hundred dollars, and thereby leave said bondsmen liable for the residue of said money not secured by said legal proceedings, and the payment of said sum will greatly burden and distress said bondsmen; and

WHEREAS, It is satisfactorily shown that there are only about three hundred persons in said township legally qualified to vote at township, county and state elections, and that of that number two hundred and twenty-seven, being more than two-thirds of said voters, being fully advised in the premises, have signed and presented to this general assembly

a petition requesting said bondsmen to be released from all further liability upon said bond of said Boutwell; and

WHEREAS, It appears that said township is clear of all indebtedness, and that the valuation of the real and personal property therein for taxation is seven hundred and seventy-eight thousand dollars and is rapidly increasing in value; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Orange township be and they hereby are authorized and required to release and forever discharge said James R. McElroy, Eli Wolfley, John Arnold and J. D. Burns, as said bondsmen of said Boutwell as such treasurer, from all liability upon said bond for the payment of school, township or other funds or money which came into his possession or under his control as such treasurer, and for which he in any manner became liable to account for and pay over as such treasurer, but nothing herein shall be construed as a release of the continued personal liability of said Josiah Boutwell upon his said bond.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1003.]

AN ACT

For the relief of Martha Carver.

WHEREAS, Erwin F. Carver, late of Lucas county, Ohio, died in the year A. D. 1886, intestate and childless, leaving a wife, Mary Carver, and having an insurance policy on his life of two thousand dollars in favor of said Mary, which sum was duly paid to her; and

WHEREAS, The said Martha Carver, a sister of the said Erwin, had for a period of about fifteen years lived with the said Erwin and said Mary, assisting largely in all household work and in the care of said Mary, and there had always in said family existed an understanding that upon the death of said Erwin and Mary any property left by them, or either of them, should pass to the said Martha; and after the death of said Erwin, the said Mary, who survived him about ten months, from time to time expressed her intention of making a will in favor of said Martha, in pursuance of said understanding, but delayed it from day to day, when suddenly she was stricken down insensible and died in a few hours, intestate, having said two thousand dollars still in her possession. It is not known that she left any heirs, and under section four thousand one hundred and sixty-three of the Revised Statutes of Ohio, it is thought that said moneys will pass to, and vest in, the state of Ohio, when in justice, and according to the intention of the parties aforesaid, they should pass to said Martha. Therefore, for the purpose of carrying out such intentions,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,*

That the state of Ohio does hereby release and grant to said Martha Carver all right said state may have, or of right claim under said statutes to said sum of two thousand dollars.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1012.]

AN ACT

To authorize the village council of the incorporated village of Wauseon, Fulton county, Ohio, to borrow money and to levy a tax for the purpose of erecting an additional suitable building, and for defraying other necessary expenses in establishing and conducting the northwestern normal and collegiate institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Wauseon, Fulton county, be and they are hereby authorized to borrow any sum of money, not exceeding six thousand dollars, for the purpose of building a boarding hall for the northwestern normal and collegiate institute, and are further authorized to levy each year, if deemed necessary, a tax in addition thereto, not to exceed one mill per dollar on the taxable property of said village, to pay for necessary repairs of the buildings of said school, and the incidental expenses thereof.

SECTION 2. That for the purpose aforesaid, the said village council is hereby authorized to cause to be issued the bonds of said incorporated village, not exceeding six thousand dollars in amount, in denominations of not less than one hundred dollars or more than one thousand dollars each, bearing interest at a rate not exceeding six per cent. per annum, and payable annually; and the principal of said bonds to be payable at such time or times, not exceeding ten years from the date thereof, as said council may, in its discretion, determine. Said bonds shall be signed by the mayor and clerk of said village, and may, in the discretion of said council, have interest coupons attached; provided, that none of said bonds shall be sold or otherwise disposed of at less than their par value.

SECTION 3. The money arising from the sale of said bonds, issued as aforesaid, shall be under the control of the council of said village, and shall be used for the purpose of erecting a boarding hall for said northwestern normal and collegiate institute, and for defraying other necessary building and furnishing expenses of said institute, and all moneys arising by virtue of any levy made to meet incidental expenses, and to pay for necessary repairs as mentioned in section one of this act, shall be under the control of the board of trustees of said northwestern normal and collegiate institute.

SECTION 4. The title to and ownership of said boarding hall, and the furniture, and of the proceeds of all said moneys raised and expended

by authority of the provisions of this act shall be and forever remain in said incorporated village of Wauseon, as provided in section eight of an act passed March 8th, 1887, by the sixty-seventh general assembly of Ohio, entitled "an act authorizing the council of incorporated villages in this state to issue bonds to purchase a suitable site for normal school buildings, to erect and furnish said buildings, and to levy a tax to pay the same."

SECTION 5. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1032.]

AN ACT

To authorize the village of Quincy, Logan county, Ohio, to borrow money and issue bonds therefor, for the purpose of sinking additional wells for natural gas, and for purchasing and laying pipes, and supplying said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Quincy, in Logan county, Ohio, be and it is hereby authorized to issue its bonds, for an amount not exceeding fifteen hundred dollars, for the purpose of sinking said well for natural gas, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery, to supply such village and the citizens thereof with natural gas, for the public and private use and consumption.

SECTION 2. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village, at a special election, to be held at such time as the council of such village shall appoint. The tickets voted shall have written thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by a majority of those voting upon the proposition, the village shall have authority to issue such bonds for the purpose named, as provided in this act.

SECTION 3. The council of such village, within ninety days after the passage of this act, shall publish notice of the submission of such question in one newspaper of general circulation in said village, and by posting at least five written or printed notices of the time and place of such election, at least ten days prior to such election, and such election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in such village.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of such village, in denominations not less than one hundred or more than five hundred dollars, payable in such times, not exceeding twenty years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine. They shall express

upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for and required by the actual cost and expense of sinking such wells, the purchasing and laying of pipes, and other necessary expenses; they shall be sold, from time to time, as the work progresses, and in such amounts as shall be required and made necessary by the progress and for the proper completion of the works; and all proceeds and moneys arising from such bonds shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary for the supply of gas for the purposes aforesaid.

SECTION 6. All moneys collected or received by the trustees of gas works of said village, or other persons authorized by said village to collect and receive the same, from the village or citizens thereof, for gas furnished and used for public or private use, and all net income, revenue and profits arising therefrom shall be pledged and applied to the payment of such bonds and interest, and the council of such village is hereby authorized to levy a tax, annually, not exceeding one and one-half mills on the dollar, on the taxable property within said village, in addition to the tax now, by law, authorized to be levied, in such amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual extinguishment of such bonds.

SECTION 7. All moneys so applicable to the payment of such bonds, which shall come into the hands of such board of trustees, or other person authorized to receive the same, before such bonds or any of them become due, shall be used to purchase such bonds, or invested under the order of the council as a sinking fund, to be applied to the payment of such bonds as they may become due.

SECTION 8. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1059.]

AN ACT

To authorize the village council of Harrison, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the council of the village of Harrison, Hamilton county, Ohio, be and is hereby authorized to transfer the sum of six hundred (\$600.00) dollars, from the general fund to the street lighting fund.*

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

by authority of the provisions of this act shall be and forever remain in said incorporated village of Wauseon, as provided in section eight of an act passed March 8th, 1887, by the sixty-seventh general assembly of Ohio, entitled "an act authorizing the council of incorporated villages in this state to issue bonds to purchase a suitable site for normal school buildings, to erect and furnish said buildings, and to levy a tax to pay the same."

SECTION 5. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1032.]

AN ACT

To authorize the village of Quincy, Logan county, Ohio, to borrow money and issue bonds therefor, for the purpose of sinking additional wells for natural gas, and for purchasing and laying pipes, and supplying said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Quincy, in Logan county, Ohio, be and it is hereby authorized to issue its bonds, for an amount not exceeding fifteen hundred dollars, for the purpose of sinking said well for natural gas, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery, to supply such village and the citizens thereof with natural gas, for the public and private use and consumption.

SECTION 2. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village, at a special election, to be held at such time as the council of such village shall appoint. The tickets voted shall have written thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by a majority of those voting upon the proposition, the village shall have authority to issue such bonds for the purpose named, as provided in this act.

SECTION 3. The council of such village, within ninety days after the passage of this act, shall publish notice of the submission of such question in one newspaper of general circulation in said village, and by posting at least five written or printed notices of the time and place of such election, at least ten days prior to such election, and such election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in such village.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of such village, in denominations not less than one hundred or more than five hundred dollars, payable in such times, not exceeding twenty years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine. They shall express

upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for and required by the actual cost and expense of sinking such wells, the purchasing and laying of pipes, and other necessary expenses; they shall be sold, from time to time, as the work progresses, and in such amounts as shall be required and made necessary by the progress and for the proper completion of the works; and all proceeds and moneys arising from such bonds shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary for the supply of gas for the purposes aforesaid.

SECTION 6. All moneys collected or received by the trustees of gas works of said village, or other persons authorized by said village to collect and receive the same, from the village or citizens thereof, for gas furnished and used for public or private use, and all net income, revenue and profits arising therefrom shall be pledged and applied to the payment of such bonds and interest, and the council of such village is hereby authorized to levy a tax, annually, not exceeding one and one-half mills on the dollar, on the taxable property within said village, in addition to the tax now, by law, authorized to be levied, in such amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual extinguishment of such bonds.

SECTION 7. All moneys so applicable to the payment of such bonds, which shall come into the hands of such board of trustees, or other person authorized to receive the same, before such bonds or any of them become due, shall be used to purchase such bonds, or invested under the order of the council as a sinking fund, to be applied to the payment of such bonds as they may become due.

SECTION 8. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1059.]

AN ACT

To authorize the village council of Harrison, Hamilton county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Harrison, Hamilton county, Ohio, be and is hereby authorized to transfer the sum of six hundred (\$600.00) dollars, from the general fund to the street lighting fund.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1102.]

AN ACT

To authorize the township trustees of Lafayette township, Coshocton county, Ohio, to appropriate certain money to be expended in the construction of a township house, and to place other money to the credit of the road fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Lafayette township, Coshocton county, Ohio, are hereby authorized to appropriate the sum of two thousand (\$2,000) dollars out of the money received from the sale of certain P. C. & St. L. R. W. stocks, and expend the amount so appropriated in the construction of a township house for the use of said township, and to place the balance of the money received from the sale of said stock to the credit of the road fund of the township.

SECTION 2. This act to take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1128.]

AN ACT

To authorize the village of Uhrichsville, Tuscarawas county, Ohio, to borrow money and issue bonds therefor, to be used in purchasing fire supplies, improving streets and sewers, repairing and constructing sidewalks, and building town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Uhrichsville, in the county of Tuscarawas and state of Ohio, be and hereby is authorized to borrow money, not exceeding twenty thousand dollars, for the purpose of purchasing necessary fire supplies, improving streets, building town hall, and improving and constructing sidewalks and sewers in said village. And the council of said village is empowered to issue bonds of the said village for the money so borrowed, in such denominations, and payable at such times as it shall determine, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, provided said bonds shall not be sold for less than their par value.

SECTION 2. The said bonds shall not be issued by said council until the question shall have been first submitted to a vote of the qualified electors of said village, at a general or special election, of which at least ten days' notice shall be given by publication in some newspaper of general circulation in said village; and at said election all those desiring to vote in favor of issuing said bonds shall have written or printed on their ballots the words, "Fire and improvement bonds—Yes;" and all those desiring to vote against said issuing of bonds shall have written or printed on their ballots the words, "Fire and improvement bonds—No." And if a majority of said votes cast at such election be in favor of the issuing of such bonds, then said council may proceed as authorized in sec-

tion one of this act, and not otherwise, and said council, upon issuing said bonds under the authority aforesaid, shall be and are hereby authorized and empowered to levy such amount of tax on the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of said bonds as the same shall become due, which shall be levied and collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1133.]

AN ACT

To authorize the township trustees of Madison township, Richland county, Ohio, to levy a tax for the purpose of completing the soldiers' and sailors' memorial library building, in accordance with the original design.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Madison township, Richland county, Ohio, shall be and are hereby authorized and required to issue the bonds of said township, in such amount as may, from time to time, be required by the trustees of the soldiers' and sailors' memorial library building, not to exceed in the aggregate the sum of twenty-five thousand dollars, payable in such portions during the twenty years next succeeding the issue thereof, that their payments may be met by the receipts of taxes. Said bonds shall be signed by said township trustees and attested by their clerk, who shall keep a record thereof, and shall be of denominations of not less than one hundred dollars, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually; the interest and principal, when due, shall be payable at the office of the county treasurer of said county; provided, that no fees of any kind shall be paid the persons who perform any official services required by this act.

SECTION 2. And for the redemption of said bonds said township trustees are hereby authorized and required to levy a tax each and every year, in addition to all other taxes authorized by law, for twenty years, commencing with the year of the issue thereof, on all taxable property of said township, including the city of Mansfield, not to exceed one mill each year.

SECTION 3. The said trustees of Madison township shall forthwith deliver to the said trustees of the soldiers' and sailors' memorial library building the bonds so issued as aforesaid, who are hereby fully empowered and authorized to sell the same, but in no case for less than their par value, and with the proceeds of the sale, to complete and prepare said building, suitable for the use and purposes for which the same was originally designed.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[House Bill No. 1155.]

AN ACT

To authorize the school board of Winchester separate school district, Adams county, to levy an additional tax for the maintenance of schools therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Winchester separate school district be and it is hereby authorized to levy upon the taxable property of said district, in addition to the amount now authorized by law, three mills on the dollar in each of the years 1889, 1890 and 1891, for the maintenance of schools therein; provided, however, that said board of education shall first submit the question of said additional tax to the qualified voters of said district, at a general or special election, giving ten days' notice thereof; and those in favor of said tax shall have on their ballots, "School tax—Yes;" and those opposed "School tax—No." If a majority of those voting at said election shall be found in favor of said tax, but not otherwise, then said levies may be made, tax collected and distributed, as are other taxes.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

[Senate Bill No. 524.]

AN ACT

To divide Reading precinct, Hamilton county, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Reading election precinct, in Sycamore township, Hamilton county, Ohio, be and the same is divided into three election precincts, as follows: All that part of said precinct lying west of Mill creek to be one precinct, called Lockland precinct; all that part of said precinct lying east of Mill creek and North of Benson street, in Reading, and north of the Amity road to be one precinct, called North Reading precinct; and all that part of said precinct lying east of Mill creek, south of Benson

street in Reading, and south of the Amity road to be one precinct, called South Reading precinct.

SECTION 2. This act to take effect and be in force from and after April 1st, 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1066.]

AN ACT

To authorize the commissioners of Paulding county to issue bonds and build a bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Paulding county, Ohio, are hereby authorized to issue the bonds of said Paulding county to the total amount not to exceed sixteen thousand (\$16,000) dollars, for the purpose of constructing a bridge across the Maumee river in said county where the section line between sections seventeen (17) and eighteen (18), in township number three (3), north of range number two (2), east in said county, crosses the said Maumee river.

SECTION 2. The said bonds shall be made due and payable in not to exceed twenty years from their date of issue shall, bear a rate of interest not to exceed six (6) per cent. per annum, and shall be issued and sold according to law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1072.]

AN ACT

Authorizing the city council of the city of Massillon, Ohio, to issue and sell bonds for sewer purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Massillon, Ohio, be and it is hereby authorized to issue and sell bonds of said city in the sum of fifteen thousand dollars, bearing interest not exceeding six per centum, payable semi-annually, and of denominations not less than five hundred dollars each, made payable at such times as said council may, by resolution, prescribe,

but not more than twelve years from date. Said bonds shall be signed by the mayor and city clerk of said city. Said bonds shall not be sold for less than par and the proceeds therefrom shall be used for the purpose of constructing main and trunk sewers between such points and along such lines as the council may direct, and procuring the right of way therefor; and for the purpose of purchasing such land and providing such apparatus as in the opinion of city council may be necessary for the disposal of sewage by chemical precipitation or such other plan as the said council may adopt.

SECTION 2. If there be any balance from the proceeds of the sale of said bonds over and above what is necessary for the purposes set forth in section one of this act, the same shall be paid over into the sewer fund of said city, and shall be used for such sewer purposes as the council may from time to time direct.

SECTION 3. For the purpose of paying said bonds and the interest thereon, as they may become due, the city council of said city is hereby authorized to levy a tax not exceeding one mill per annum upon all the taxable property, both real and personal, of said city, in addition to the amount otherwise allowed by law, to be collected as other taxes; and the money so collected shall be used for payment of said bonds and the interest thereon, and shall not be used for any other purpose.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1075.]

AN ACT

To authorize the council of the incorporated village of Albany, in Athens county, to borrow money for the erection of a town hall and village prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Albany, in Athens county, is hereby authorized to borrow not to exceed six hundred dollars, to be used in the erection of a town hall and prison; said council shall issue bonds of said village bearing interest not to exceed six per centum per annum, payable semi-annually, which bonds shall not be sold for less than their par value; said principal and interest to be paid at such place and at such times, not to exceed ten years from the date thereof, as shall be deemed best by such council; the clerk of said village shall keep a record of the same, and it shall be the duty of such council to levy sufficient tax to pay the interest on said bonds and the principal thereof as the same shall become payable, and such council shall have control of said funds and expend the same for the purposes mentioned.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1104.]

AN ACT

To authorize the incorporated village of Brooklyn, county of Cuyahoga, to borrow money and issue bonds for the purpose of purchasing a site and erecting a school house thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Brooklyn, in the county of Cuyahoga, Ohio, be and is hereby authorized to borrow any sum not to exceed twenty-five thousand dollars (\$25,000.00), for the purpose of purchasing a site and erecting a school building thereon, as said board may direct.

SECTION 2. That for the purpose aforesaid, the said board of education are hereby authorized to issue bonds not exceeding twenty-five thousand dollars (\$25,000.00), to be signed by the president and attested by the clerk of said board, in sums not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) each, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, said bonds to be payable at such time or times, not exceeding (25) twenty-five years from the respective dates thereof, as may be determined by said board of education. Said bonds shall not be sold for less than their par value, and said bonds shall have interest coupons attached.

SECTION 3. Said board of education shall annually thereafter cause the necessary tax to [be] levied on the taxable property in said village to pay the interest on said bonds and to pay the principal thereof as the same shall become due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1275.]

AN ACT

To amend an act entitled "an act for the relief of F. L. Smith, G. G. King, R. B. Lambert, Henry Funk, Charles Patterson, E. S. Fawcett and D. L. Fawcett, as sureties for A. S. Fawcett, treasurer of Marion township, Morgan county, Ohio," passed March 8, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be so amended as to read as follows:

Sec. 1. That the township trustees of Marion township, in the county of Morgan, after having first ascertained the full amount of the loss of public funds belonging to said township, by reason of the defalcation of

A. L. Fawcett, treasurer of Marion township, Morgan county, Ohio, are hereby authorized to submit to the qualified electors of said township at the annual election to be held on the first Monday in April, in the year 1889, ten days' notice of which shall be given before the day of said election, by written or printed posters, in at least ten public places in said township, the question of releasing F. L. Smith, G. G. King, R. B. Lambert, Henry Funk, Charles Patterson, E. S. Fawcett and D. L. Fawcett, as sureties of A. L. Fawcett, on his official bond for said township.

Sec. 2. That the voters of said township, desiring to vote for such relief shall have written or printed on their ballots the words, "For the relief of F. L. Smith, G. G. King, R. B. Lambert, Henry Funk, Charles Patterson, E. S. Fawcett and D. L. Fawcett—Yes;" those desiring to vote against such relief shall have written or printed upon their ballots the words, "For the relief of F. L. Smith, G. G. King, R. B. Lambert, Henry Funk, Charles Patterson, E. S. Fawcett and D. L. Fawcett—No."

Sec. 3. That if a majority of all the votes cast at said election shall be in favor of said release, then said trustees and board of education of said township shall release said F. L. Smith, G. G. King, R. B. Lambert, Henry Funk, Charles Patterson, E. S. Fawcett and D. L. Fawcett, as sureties as aforesaid, by suitable resolution.

SECTION 2. That the above recited act, passed March 8, 1889, be and the same is hereby repealed; and this act shall take effect and be in force on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[Senate Bill No. 173.]

AN ACT

For the relief of the Little Miami Elevator Company.

WHEREAS, By a certain deed dated June 26, 1869, the state of Ohio, by Philip V. Herzing, acting commissioner of the board of public works, assumed and attempted to convey to the Little Miami Elevator Company, a corporation organized under the laws of Ohio, water-power for propelling six run of millstones, as described in the lease from the state of Ohio to Clark Williams, dated March 26, 1836, said power to be drawn from the level of the Miami and Erie canal next above lock number eight, in the city of Cincinnati, in consideration of the sum of six thousand dollars, which was duly paid in full at the time by the said Little Miami Elevator Company; and

WHEREAS, The said elevator company has never been permitted to enter upon and use said power, but its right thereto has been denied and resisted by the city of Cincinnati, by force and virtue of the prior grant of the state of Ohio to said city of Cincinnati, made by the act of the general assembly, passed March 24, 1863 (60 O. L., 44), entitled "an act

to authorize the city of Cincinnati to enter upon and occupy a part of the Miami and Erie canal as a public highway for sewerage purposes;" and

WHEREAS, In a suit brought by said elevator company to establish and maintain its title under said deed of the state against the city of Cincinnati, the supreme court commission in November, 1877, decided that the state of Ohio had no right and authority to make such grant and deed aforesaid, and had no title to said property, and that said elevator company acquired no title to said property by said deed from the state of Ohio; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Little Miami Elevator Company be, and it is hereby authorized to bring an action in the court of common pleas of Franklin county, Ohio, against the state of Ohio, for the recovery of the money, so as aforesaid paid by the said the Little Miami Elevator Company to the state of Ohio, for said water power, which, when it is determined, shall be a bar to any and all further claims therefor.

SECTION 2. Summons shall not be issued by the clerk in said action, until there has been executed in his office, by sufficient surety of the Little Miami Elevator Company, to be approved by the clerk, an undertaking in the sum of five hundred dollars, to the effect that the Little Miami Elevator Company, shall be bound for the payment of all costs which may be adjudged against it in the court in which the action is brought, or in any other court to which it may be carried, and for the payment of all the costs and expenses of the state of Ohio in defending said action, if judgment be rendered against the Little Miami Elevator Company thereon.

SECTION 3. Said action shall be prosecuted to final judgment as in civil actions between private persons, except as otherwise provided herein; and said cause shall be taken up and disposed of in advance of its order on the docket as provided for certain cases in section 440, Revised Statutes of Ohio. Summons, together with a copy of the petition, shall be served upon the attorney-general, and the service of all process, orders and notices upon the state, which may become necessary in the prosecution of said action, shall be complete if made upon the attorney-general, who is hereby authorized and required on behalf of the state to defend said action, but without regard to the statute of limitations, and all acts in the premises done by him shall be binding against the state.

SECTION 4. This act to take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 926.]

AN ACT

To authorize the council of the incorporated village of Wilmington, Clinton county, Ohio, to pass an ordinance providing for the payment of an additional compensation to W. R. Babb, late marshal of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Wilmington, Clinton

county, Ohio, is hereby authorized and empowered to pass an ordinance providing for the payment of an additional compensation to W. R. Babb, marshal of said village from April, 1884, to April, 1888; said additional compensation for all or any part of said time as said council may deem proper, but not to exceed \$200 per annum in addition to what he has already received.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1161.]

AN ACT

To authorize the trustees of Johnson township, Champaign county, to issue bonds to build a township house in Millerstown precinct of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Johnson township, Champaign county, be and they are hereby authorized to issue bonds of said township, not exceeding one thousand (\$1,000) dollars, for the purpose of building a township house in the Millerstown precinct of said township; said bonds to be issued in denominations of one hundred (\$100) dollars each, to bear interest at the rate of six per cent. per annum, payable semi-annually, on the tenth days of March and September in each year, and to run not to exceed four years, and shall be disposed of as provided by law; provided, that the question of building said township house shall be submitted to a vote of the electors of said township, at the next regular election after the passage of this act; at least ten days' notice of the submission of said question shall be given by notice posted in three public places in said township, said notices to be signed by the township clerk. Those who are in favor of said proposition shall have written or printed on their ballots the words, "For township house—Yes;" and those opposed—"No." If a majority of those voting on said proposition shall vote in its favor, then the trustees may proceed to have said township house built at said place, and may issue bonds as provided in section one of this act.

SECTION 2. That for the purpose of paying said bonds and interest, said trustees are hereby authorized to levy a tax each year, not exceeding four years, to be collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[House Bill No. 1191.]

AN ACT

Supplementary to an act entitled "an act to authorize the board of county commissioners of the county of Williams to issue bonds and to either repair, enlarge and improve the present court house, or to build a new court house in said county," passed March 24, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of raising money wherewith to pay the expense of the erection, construction and completion of the court house at Bryan, as contracted for by the county commissioners of Williams county, in pursuance of the act to which this is supplementary, the said county commissioners shall have the power, and are hereby authorized, in addition to their ordinary powers, and the powers conferred by said act, to which this is supplementary, to issue the bonds of said Williams county for any amount not exceeding sixty thousand dollars, which bonds may be made payable at any time or times not exceeding eighteen years from the date of issue thereof, and draw such rate of interest as the said commissioners may deem proper, not exceeding six per centum per annum, payable semi-annually. Said bonds may be issued at such time or times, and in such amount or amounts, as the progress of the work or the convenience of the said commissioners may require; shall state the authority under which and the purpose for which they are issued; shall be payable to bearer at such place as the commissioners shall therein designate; and shall not be sold or negotiated for less than par, and their proceeds shall not be applied to any other purpose than the payment of the expense of the said improvement, or of the interest or principal of bonds issued or to be issued in the raising of money for said improvement.

SECTION 2. That for the purpose of paying the interest on said bonds, and the principal of the same, as they become due, the commissioners of said county shall annually levy a sufficient tax upon all of the taxable property in said county in addition to the taxes otherwise authorized by law to be levied thereon.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 15, 1889.

[Senate Bill No. 422.]

AN ACT

To authorize the trustees of Granville township, Licking county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Granville township, Licking county, be and they are hereby authorized to transfer the sum of five hundred (\$500.00) dollars from the township road fund to the township general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 962.]

AN ACT

To change the name of Clark Boice.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Clark Boice, a resident of Gallia county, Ohio, be and the same is hereby changed to Clark Boatman.

SECTION 2. That said change of name shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[Senate Bill No. 453.]

AN ACT

To supplement an act entitled "an act to amend sections 1 and 4 of an act, passed March 28, 1862, entitled 'an act to authorize the city of Cleveland to fund certain railroad stocks,'" as amended January 19, 1882, as amended April 16, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following be enacted supplementary to the [act] above recited, with sectional numbering as follows:

Sec. 1a. The sinking fund commissioners of the city of Cleveland be and they are hereby authorized and directed to appropriate, in addition to the sum of \$85,000, authorized by the act to which this is supplementary, to be paid for the cost and expense of rebuilding any bridge over any navigable stream, the further sum of \$8,000, should such sum be required, for the purpose of rebuilding, in said city, the "Willow street bridge," so called.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 973.]

AN ACT

To divide Palmer township, Putnam county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Palmer township, in Putnam county, Ohio, be and is hereby divided into two (2) election precincts, by a line commencing at the west boundary line of said township, and running east on the section line, between sections eighteen (18) and nineteen (19), seventeen (17) and twenty (20), sixteen (16) and twenty-one (21), fifteen (15) and twenty-two (22), fourteen (14) and twenty-three (23), and thirteen (13) and twenty-four (24) to the east boundary line of said township. All of said township lying north of said line to be known as the north precinct, and that lying south of said line as the south precinct.

SECTION 2. This act to take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 1039.]

AN ACT

To authorize the township treasurer of Wilkesville township, Vinton county, Ohio, to equalize and distribute certain school funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township treasurer of said Wilkesville township is hereby authorized, under the directions of the board of education of said township, to equalize and distribute the surplus school funds now in his hands to the different sub-districts in said township.

SECTION 2. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 1103.]

AN ACT

To authorize the city council of the city of Galion, Crawford county, to borrow money and issue bonds therefor, for the purpose of procuring territory and right of way, sinking wells for natural gas, purchasing and laying pipes and supplying said city with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Galion, Crawford county, Ohio, be and they are hereby authorized to issue the bonds of said city for an amount not exceeding ten thousand dollars, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, for the purpose of procuring territory, right of way, sinking wells for natural gas for public and private use and consumption; provided, that no bonds shall be issued or tax levied under the provisions of this act until the question of issuing said bonds shall have been submitted to the qualified electors of said city, at an election to be held at such time after the passage of this act as the said city council shall determine, and ten days' notice of such election and submission shall be given by the mayor of said city, in one or more newspapers published in said city, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding said election, and if a majority of the electors voting at such election upon the question of issuing said bonds, vote in favor thereof, then the said bonds must be issued and the said tax be levied.

SECTION 2. Those voting in favor of the said proposition shall have written or printed on their ballots the words, "For the issue of bonds—Yes;" and those voting against the same, "For the issue of bonds—No."

SECTION 3. The principal of said bonds shall be payable at such places and at such times, not exceeding ten years from the date of issue, as the said city council may determine by ordinance, and the said city council are hereby authorized to levy a tax upon all taxable property of said city of Galion to pay said bonds and the interest thereon, but such tax shall not exceed two mills on the dollar in any one year.

SECTION 4. Said bonds shall be issued in such sums as the said city council shall determine, and shall be signed by the mayor and countersigned by the clerk of said city, and the clerk shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 1181.]

AN ACT

To authorize the council of the village of Frazeyzburg, Muskingum county, to levy a tax and issue bonds to raise money to grade, curb, lay gutters and to improve streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Frazeyzburg be and the same is hereby authorized to grade, curb, lay gutters and to otherwise improve the streets of said village, and to raise money for these purposes, not exceeding three thousand dollars, in the manner hereinafter specified.

SECTION 2. That the council of said village is hereby authorized to issue bonds, not exceeding in amount the sum of three thousand (\$3,000) dollars, for said purposes. Said bonds shall be signed by the mayor and clerk of said village, and may be issued in denominations of not less than fifty dollars nor more than five hundred dollars each, and shall be due and payable at such places and at such times, not exceeding ten years after date of issue, as the council of said village may, by ordinance, determine, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually; provided, that none of said bonds shall be sold or otherwise disposed of for less than their par value, with accrued interest to the date of sale or disposition.

SECTION 3. That for the payment of said bonds and the interest thereon, as the same shall become due, the council of said village is hereby authorized and required to levy a tax upon all the taxable property in the corporate limits of said village, in addition to the taxes otherwise authorized by law, in such annual assessments as will each year be sufficient to pay the principal and interest falling due upon said bonds. Said taxes to be levied in the manner prescribed by law for the levy and collection of taxes.

SECTION 4. That this act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 1202.]

AN ACT

To authorize the village of Quincy, Logan county, to lease or sell gas well and fixtures.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Quincy, in Logan county, Ohio, are hereby authorized to lease or sell the natural gas well, pipes, lines, fixtures, &c., belonging to said village, but in no case shall they be sold for less than an amount sufficient to pay off the bonds and interest sold by said village to make said well, buy pipes, fixtures, &c., and other neces-

sary expenses in constructing said well, as they shall become due, with the interest as it accrues thereon.

SECTION 2. Before any disposition of said well and pipes and fixtures shall be by said council made, the question shall be submitted to a vote of the legal voters of the village at any general or special election, after at least ten days' notice of the submission of said question shall be given by notices posted at five of the most public places in said village. The ballots to be voted at said election shall have written or printed upon them the words, "Sale of gas well—Yes;" "Lease of gas well—Yes;" "Sale of gas well—No;" "Lease of gas well—No;" and if a majority of those voting upon said proposition shall have upon their ballots, "Sale of gas well—Yes," or, "Lease of gas well—Yes," then said council shall be empowered to sell, or lease, as the majority of the voters at said election may by their votes determine,

SECTION 3. This act shall take effect on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 1221.]

AN ACT

To authorize the trustees of Lenox township, Ashtabula county, to levy a tax to raise money with which to erect a soldiers' monument in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of Lenox, in the county of Ashtabula, and state of Ohio, are authorized to levy a tax of one mill on the dollar of valuation of all the taxable property of said township each year for three years after the passage of this act, in addition to other levies authorized by law, for the purpose of raising money, to be expended by said trustees in the erection of a soldiers' monument, to be located on town lot at or near the center of said township of Lenox.

SECTION 2. The question of levying said tax shall be submitted to a vote of the qualified electors of said township, at the regular annual election, to be held on the first Monday of April, A. D. 1889, at the usual place of holding elections in said township, of which at least ten days' notice shall be given by posting notices in not less than five conspicuous places in said township, and at such election the ballots to be voted shall have written or printed, or partly written and partly printed thereon, the words: "Tax for soldiers' monument—Yes;" or, "Tax for soldiers' monument—No;" and if a majority of those voting at said election shall vote in favor of said proposition to levy said tax, then it shall be the duty of the trustees of said township to make such levy and certify the same to the auditor of said county, to be placed by him upon the tax duplicate for said township, and collected by the treasurer of said county as other taxes are collected, and paid over to the treasurer of said township, to be expended by said trustees in building and erecting the same, at a cost not in excess of the amount of money raised by said levy. Said trustees are authorized to

make such contracts and do such things as may be necessary to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 18, 1889.

[House Bill No. 329.]

AN ACT

To authorize the commissioners of Franklin county to construct a bridge across the Olentangy river, at the foot of Goodale street, in the city of Columbus, and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Franklin county be and they are hereby authorized to construct a bridge across the Olentangy river, at the foot of Goodale street, in the city of Columbus; provided, the right of way for a road eighty (80) feet in width and open to public use from the west end of Goodale street, in the city of Columbus, running in a westerly direction across the Olentangy river through the lands of Daniel Thomas and others to the land now owned by John Howard, thence in a northerly direction through the land of Henry Miller, intersecting the free pike road near the "Fairview" school house, be first secured without any extra cost to the county; and in the exercise of their powers and the performance of their duties in that behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are conferred and prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expenses of constructing this bridge, said commissioners are hereby authorized and empowered to issue bonds of said Franklin county, at no less than their par value, in sums of not less than five hundred dollars each, bearing interest at the rate not to exceed six per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of forty thousand dollars; and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 905.]

AN ACT

To authorize the village of St. Mary's, Auglaize county, Ohio, to issue bonds for the purpose of purchasing a gravel-pit, for the use of said village, for improving streets, and for the payment of indebtedness of the said village, created for repair and construction of streets and bridges and natural gas plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of St. Mary's, Auglaize county, Ohio, be and said council is hereby authorized to issue the bonds of the said village, in any sum not exceeding twelve thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, for the purpose of providing funds for purchasing a gravel-pit for the use of the said village, for improving the village streets, and for paying off the indebtedness of the said village, created for repair and construction of streets and bridges and natural gas plant.

SECTION 2. Said bonds shall be known as the "improvement bonds" of the said village; shall be payable at such times, not exceeding fifteen years from the respective dates thereof, as said council may determine; they shall be in denominations of not less than five hundred nor more than one thousand dollars, as said council may direct, and shall be issued, advertised and sold according to law.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said village, not exceeding three mills on the dollar in any one year, in addition to the taxes now authorized by law to be levied, which levy shall be placed on the duplicate by the auditor of said county and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1005.]

AN ACT

To change the time of holding the courts of common pleas in the county of Clermont, for the year 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time fixed by the judges of the 5th judicial district of Ohio, for holding a term of the court of common pleas in Clermont county, on the first day of October, 1889, be changed so that said term shall be held on the 8th day of October, 1889.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1067.]

AN ACT

To authorize the board of education of the special school district of Ottawa, Putnam county, Ohio, to transfer certain funds, and to purchase a building site.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district of Ottawa, Putnam county, Ohio, be and it is hereby authorized to transfer from the tuition fund now in the treasury of said special school district, a sum not exceeding two thousand five hundred dollars (\$2,500.00), to the building fund of said special school district, and that said board of education is further authorized to purchase a suitable site, at a price not exceeding twenty-five hundred dollars, upon which to erect a school building, and to pay therefor from the proceeds of the funds herein authorized to be transferred.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1077.]

AN ACT

To divide Morgan township, Butler county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Morgan, Butler county, Ohio, be divided into two election precincts, by a line commencing at the north line of said township, running south between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23; thence west between sections 22 and 27, 21 and 28; thence south between sections 28 and 29, 32 and 33, to the south line of said township; all that part of said township lying east of the dividing line shall be known as the east precinct; and all lying west of said line shall be known as the west precinct of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1078.]

AN ACT

To give the right to the grand army of the republic, women's relief corps, and sons of veterans to meet in the armory at Polk, Ashland county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the grand army of the republic, the women's relief corps, and the sons of veterans shall have the right to hold their meetings in the armory at Polk, Ashland county, and state of Ohio, at such times when it is not used by the Ohio National Guards.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1080.]

AN ACT

To authorize the trustees of Pierpont township, Ashtabula county, to levy a tax to raise money with which to erect a soldiers' monument in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of Pierpont, in the county of Ashtabula, and state of Ohio, are authorized to levy a tax of one and one-half mills on the dollar of valuation of all the taxable property of said township, in addition to other levies authorized by law, for the purpose of raising money, to be expended by said trustees in the erection of a soldiers' monument, to be located at or near the center of said township of Pierpont.

SECTION 2. The question of levying said tax shall be submitted to a vote of the qualified electors of said township at the regular annual election, to be held on the first Monday of April, A. D. 1889, at the usual place of holding elections in said township, of which at least ten days

notice shall be given by posting notices in not less than five conspicuous places in said township, and at such election the ballots to be voted shall have written or printed, or partly written and partly printed thereon, the words: "Tax for soldiers' monument—Yes;" or, "Tax for soldiers' monument—No;" and if a majority of those voting at said election shall vote in favor of said proposition to levy said tax, then it shall be the duty of the trustees of said township to make such levy and certify the same to the auditor of said county, to be placed by him upon the tax duplicate for said township, and collected by the treasurer of said county as other taxes are collected, and paid over to the treasurer of said township, to be expended by said trustees in purchasing a site for said soldiers' monument, if necessary, and building and erecting the same, at a cost not in excess of the amount of money raised by said levy. Said trustees are authorized to make such contracts and do such things as may be necessary to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1175.]

AN ACT

To divide Pleasant township, Hancock county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Pleasant, in the county of Hancock, and state of Ohio, be and the same is hereby divided into two election precincts, by a line commencing at a point on the township line between said Pleasant township and Portage township, in said county, between sections thirteen (13) and twenty-four (24), and thence west between said sections and sections fourteen (14) and twenty-three (23), fifteen (15) and twenty-two (22), sixteen (16) and twenty-one (21), seventeen (17) and twenty (20) and eighteen (18) and nineteen (19), to the Putnam county line in said state.

SECTION 2. All that part of said Pleasant township south of said line running east and west through said township, and dividing the same as aforesaid, shall be one voting precinct called precinct number one (1), with the voting place at the village of McComb, in said township, and all of said township north of said dividing line, running east and west, shall be one voting precinct called precinct number two (2), with the voting place therein at the hamlet or village of Deweyville, in said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1108.]

AN ACT

To authorize the council of the city of Sandusky, Erie county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Sandusky, Erie county, Ohio, be and they hereby are authorized and empowered to permanently transfer the sum of six thousand dollars (\$6,000.00) from the water-works pumping engine fund to a water-works maintenance fund, to be used in maintaining, extending and improving the water-works of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1178.]

AN ACT

To amend sections four and five of an act entitled an act "to incorporate the First Presbyterian church in Piqua, O.," passed Feb. 24, 1834.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections four and five of an act entitled "an act to incorporate the First Presbyterian church in Piqua, O.," passed Feb. 24, 1834, be amended to read as follows:

Sec. 4. That for the better regulating and governing the said corporation, and for managing the affairs and promoting the interests thereof, there shall be elected annually by the corporation on the last Saturday in May, two trustees, who shall hold their office for three years and until their successors shall be duly elected; provided, that at the first election holden after the passage of this act, there shall be six trustees elected to serve, two for one year, two for two years and two for three years, and at each subsequent yearly election there shall be two trustees elected who shall serve for three years as aforesaid; provided further, that if, from any cause, said election for officers shall not be made on the day appointed for the annual election, the society may elect their officers at any meeting of the corporation duly assembled. The trustees so elected shall thereafter elect a treasurer and a clerk who shall hold their offices for one year respectively, and until their successors are elected.

Sec. 5. That all elections of the corporation shall be by ballot, and the person or persons having a plurality of the votes given shall be considered duly elected. Every member of the corporation shall have equal suffrage, and all the temporal concerns of the corporation shall be determined by a majority of the members present at any meeting of the corporation duly assembled.

SECTION 2. That sections four and five of above recited act, be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1179.]

AN ACT

To authorize the board of education of Clarington village district, Monroe county, Ohio, to make an additional levy for the years 1889, 1890 and 1891, for an addition to the school building of said village district and for repairing the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Clarington village district be and they are hereby authorized to levy a tax for the years 1889, 1890 and 1891, not exceeding five mills annually, on all the taxable property in said school district, in addition to the levy now authorized by law, for the purpose of building an addition to said school building, and for furnishing and repairing said school building in said Clarington village district; said tax to be levied and collected in the same manner as taxes for common school funds are levied and collected.

SECTION 2. This act to take effect from and on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1184.]

AN ACT

To authorize the commissioners of Ottawa county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ottawa county, Ohio, be and they are hereby authorized to transfer the sum of two thousand dollars (\$2,000.00) from the infirmary fund to the building fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1187.]

AN ACT

To authorize the transfer of funds in Emerald township, Paulding county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Emerald township, Paulding county, Ohio, are hereby authorized to transfer any sum, not exceeding in total eight hundred (\$800) dollars from the township fund to the road fund of said township.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No 1193.]

AN ACT

To create the township of Crawford, in the county of Wyandot, a separate road district for macadamizing purposes, with authority to levy a tax to macadamize and improve the roads and highways in said township, and to repeal a certain act herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Crawford township, in Wyandot county, be and the same is constituted and made a separate and independent road district, for the purpose of macadamizing and improving the roads and highways in said township, and for no other purpose, independent of and free from the operation of existing laws relating to the improvement of roads and highways.

SECTION 2. The trustees of Crawford township, Wyandot county, for the purpose of macadamizing and improving the roads and highways in said township, so constituted and made a special and independent road district by the provisions of section 1 of this act, be and they are hereby authorized to assess and levy upon the taxable property of said township, annually, a tax not exceeding seven mills upon the dollar for the term of twenty years, beginning with the year 1889 and ending with the year 1909, and for no other purposes. Said tax so hereby authorized to be assessed and levied shall be collected as other taxes upon the grand duplicate of the county, and shall be paid in money, and shall be a township road fund under the exclusive supervision, control and application of the trustees of said township and to be applied by them in macadamizing and improving the roads in said township so constituted and made a special road district by the provisions of section 1 of this act.

SECTION 3. The act entitled "an act to authorize the trustees of Crawford township, Wyandot county, to levy a tax," so passed March 16, 1880 (Ohio Laws, Vol. 77, page 341), be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1197.]

AN ACT

To authorize the council of the city of Cleveland, Cuyahoga county, Ohio, to issue bonds for the purpose of improving the harbor of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the city of Cleveland, Ohio, is hereby authorized to issue bonds in any sum, not exceeding twenty-five thousand dollars, for the improvement of the harbor of said city, at the "old river bed," such bonds to be of such denominations, and payable at such times and places as said council may determine, not exceeding twenty years; and said bonds shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and shall not be sold for less than their par value. And said council shall annually thereafter cause the necessary taxes to be levied to pay the interest and principal on said bonds as they shall become due.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1201.]

AN ACT

To change the name of Eleanor J. Hall to Eleanor J. Tressel.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Eleanor J. Hall, a resident of Hardin county, Ohio, be and the same is hereby changed to that of Eleanor J. Tressel.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1233.]

AN ACT

To authorize the city council of the city of Columbus to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Columbus be and they are hereby

authorized to transfer the sum of five thousand dollars from the Randolph street, etc., sewer fund to the Parsons avenue sewer fund of said city, for the purpose of constructing a main trunk sewer in Parsons avenue from Reinhard avenue to Section alley.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1246.]

AN ACT

To authorize the trustees of Olmsted township, Cuyahoga county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Olmsted township, Cuyahoga county, Ohio, be and are hereby authorized to transfer one thousand dollars from the "poor fund" to the "township fund."

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1266.]

AN ACT

Supplemental to an act entitled "an act to authorize the commissioners of Pickaway county, Ohio, to erect a soldiers' monument, or provide other memorial structure, and to extend the time for doing the same," passed May 17, 1886 (Ohio Laws, vol. 83, page 371).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act be supplemented as follows:

The commissioners of Pickaway county, Ohio, be and are hereby authorized and empowered to pay on the order of the trustees of the "soldiers' monumental association" of Pickaway county, Ohio, any and all funds raised in said county under section 893 of the Revised Statutes of Ohio, and now in the county treasury, or invested as provided in the act to which this act is supplementary, for the purpose of purchasing a

site, and to erect thereon a building to be known as a monumental, or memorial hall, to perpetuate the memory of the soldiers and sailors of said county of Pickaway, who served in any of the wars of the United States.

SECTION 2. The title of said site, and the building to be erected thereon, shall be vested in Pickaway county.

SECTION 3. That said site and all buildings thereon shall be under the control and management of the said trustees of the soldiers' monumental association of Pickaway county.

SECTION 4. Whenever said trustees determine to erect a monumental or memorial hall upon said site, they are hereby constituted a building committee for that purpose, and they are hereby required to proceed to the erection of the same, in the manner provided by law, for the erection of public buildings, by county commissioners, so far as the same are applicable.

SECTION 5. Said trustees are also authorized to receive donations, contributions or bequests from any association, organization or persons, and expend the same in the erection of said monumental or memorial hall.

SECTION 6. If said trustees deem it necessary, they are hereby further authorized and empowered to extend the time for the erection of said monumental or memorial hall beyond the first day of September, 1889, as provided in the act to which this is supplemental, but such extension shall not be for a longer time than three years.

SECTION 7. Provided further, that if the city of Circleville, Ohio, shall appropriate or donate a sum in connection with the amount controlled or received by the trustees of said association that will be sufficient to erect said monumental or memorial hall according to such plans and specifications as said trustees may adopt; then the said trustees are hereby empowered and authorized to execute to the city of Circleville, a lease, for such part of said building, and for such time and upon such terms as may be agreed upon, between the city council and said board of trustees, to be used by said city for a public library and armory purposes.

SECTION 8. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1267.]

AN ACT

To authorize the board of education of Kent village school district, of Franklin township, Portage county, Ohio, to make annual levies for school purposes exceeding limit provided by general law.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,*
That the board of education of Kent village school district, of Franklin

township, Portage county, Ohio, be and is hereby authorized to levy annually at the time provided by law, for school purposes, in addition to the sum now allowed by law, a sum not exceeding the sum of two mills on each dollar of valuation of taxable property; the same to be certified to the auditor of the county of Portage and collected as provided by law for the collection of taxes for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1268.]

AN ACT

To authorize the trustees of Suffield township, Portage county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Suffield township, Portage county, be and they are hereby authorized to make the following transfer of the funds of said township, viz: from the poor fund to the township fund, one hundred dollars, and from the cemetery fund to the township fund, fifty dollars.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

[House Bill No. 1271.]

AN ACT

To change the names of Mary K. Amerman and Wendell Howard Amerman, of Lexington township, Stark county, Ohio, to Mary K. Johnson and Wendell Howard Johnson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the names of Mary K. Amerman and Wendell Howard Amerman, residents of Stark county, Ohio, be and the same are hereby changed so as to be and read as follows, to-wit: Mary K. Johnson and Wendell Howard Johnson, respectively.

SECTION 2. That such change shall in nowise affect the rights, privileges and liabilities of said persons.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 19, 1889.

AN ACT

To authorize the incorporated village of Jamestown and Silvercreek township, Greene county, Ohio, to unite in the purchase of a site and the erection of a town hall thereon, for the joint use of said township and village, and to issue bonds for the purpose of raising money therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Jamestown and Silvercreek township, in Greene county, Ohio, be and are hereby authorized to unite in the purchase of a site, and the erection thereon of a town hall, engine house, vault for public records, prison, and mayor's and justice's office, in said village; said hall, etc., to be owned and used by said village and township jointly, and in equal proportions. And to meet the payment of the bonds, and interest thereon, hereinafter authorized to be issued, to raise money for said purpose, said village and township be and are hereby respectively authorized to levy a tax yearly, so long as may be necessary, on the taxable property in each, to be collected as other taxes.

SECTION 2. The council of said village is hereby authorized to issue and sell at private sale, at not less than par, the bonds of said village in any sum not exceeding seven thousand five hundred dollars, after deducting therefrom the sum realized from the sale of the property now owned by said village of Jamestown, and used as mayor's office, engine house and prison, the sale of which is herein authorized; said bonds to be issued in denominations not exceeding one thousand dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, and said bonds to be payable at such places, and at such times, not exceeding twenty years from the date of issue, as said council shall determine. And the trustees of said township are hereby authorized to issue and sell, in like manner, at not less than par, the bonds of said township, in any sum not exceeding seven thousand five hundred dollars, in denominations not exceeding one thousand dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, and said bonds payable at such places and at such times, not exceeding twenty years from date of issue, as said trustees may determine; and the money arising from the sale of said bonds shall, so far as may be necessary, be used for the purpose of defraying the expenses for the purchase of said site and erection of said town hall; and said bonds shall be issued and sold, in all respects not herein provided, according to law.

SECTION 3. Said bonds shall not be issued, nor tax levied for the same, nor property sold as herein provided, until the question shall have first been submitted to the voters of said village and township, at a general or special election, of which at least ten days' notice shall be given by publication in some newspaper of general circulation in said village; election to be held at the usual places of voting in said village and township, and at such time as the council of said village and the trustees of said township shall appoint. The tickets voted at such election shall have printed or written thereon the words, "For town hall—Yes;" "For town hall—No." If the proposition "for the hall" shall be approved by a majority of all the voters voting at said election, the council of said village and the trustees of said township of Silvercreek shall have authority to issue said bonds and levy said tax as provided for in this act.

SECTION 4. Whenever it shall be decided by an affirmative vote, as provided for in this act, that authority is given to issue bonds and levy a tax for the construction of said hall, the council of said village of Jamestown shall proceed to sell the property now owned and used by said village for a mayor's office, prison and engine house, and apply the proceeds thereof to the construction of said hall.

SECTION 5. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 19, 1889.

[Senate Bill No. 472.]

AN ACT

To authorize the commissioners of Washington county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Washington county, Ohio, be and they are hereby authorized and empowered to make the following transfers of the funds in the treasury of said county, viz: from the building fund to the infirmary fund, five thousand dollars (\$5,000.00); from the building fund to the general county fund, two thousand and eight hundred dollars and sixty-eight cents (\$2,800.68); and from Buell's Lowell and Noble county special road fund to the general county fund, one thousand two hundred and forty-three dollars and twelve cents (\$1,243.12).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[Senate Bill No. 496.]

AN ACT

Authorizing the trustees of Granville township, Licking county, Ohio, to levy a tax for the purpose of erecting a soldiers' and sailors' memorial library building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Granville township, Licking county, Ohio, shall at the spring election of 1889, by giving ten days' notice thereof, submit to the qualified voters of said township, including the village of Granville, the question of taxation to the amount of \$5,000, for purchasing a site and erection of a soldiers' and sailors' memorial library building thereon, at Granville, in said township; and those voting in favor of said tax shall write or print on their ballots, "Memorial building—Yes;" and those

opposed thereto shall write or print on their ballots, "Memorial building—No." And if a majority of the votes cast at said election on said question shall be in favor of said tax, the trustees of said Granville township shall issue the bonds of said township to an amount not exceeding \$5,000, and in such sum or sums, and payable at such time or times, as said trustees shall determine; these bonds to bear interest not exceeding six per cent. per annum, payable semi-annually, and to be issued as needed. Said bonds shall be signed by said township trustees and attested by the township clerk. The township clerk shall keep a record thereof, and the interest and principal shall be payable at the office of the treasurer of said township. Said bonds shall be in denominations of not less than \$100.00, and be sold at not less than their par value, and for the redemption thereof said trustees shall levy a tax each and every year for five years, commencing with the year 1889, on all the taxable property of said township, including the village of Granville, not exceeding one mill each year; and for all services done or to be performed under this act, neither the trustees of the township, nor the township clerk, nor the treasurer of the township, nor the auditor of the county, nor the treasurer of the county, shall receive, or be entitled to, any compensation whatever, either by way of fees or otherwise.

SECTION 2. The trustees of said Granville township, Licking county, Ohio, shall, if said vote for taxation is carried, appoint five (5) persons, residents of Granville township, trustees of said memorial library building (two of whom shall be ex-Union soldiers), one of whom shall be appointed for the term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years; and each and any year thereafter the said trustees shall appoint a successor to the trustee whose term of office then expires, and the said township trustees shall fill all vacancies occurring by death, resignation, or otherwise, for the unexpired term or terms. The pastors of the several churches in said township shall be ex-officio members of said board of trustees, and entitled to vote, but a majority of those appointed by the said trustees shall constitute a quorum for the transaction of business.

SECTION 3. On the appointment of said trustees of the memorial building, by the township trustees, the said township trustees of Granville township shall deliver to said trustees of the memorial building the bonds so paid as aforesaid; and said trustees of the memorial building are hereby fully empowered to sell the said bonds, under the provisions and limitations of this act; and said trustees of the memorial building shall elect one of their number president thereof, one of their number secretary thereof, and one of their number treasurer thereof; and the treasurer shall give bond to the state of Ohio, for the use of Granville township, in the sum of \$5,000, approved by the said board, conditioned for the faithful accounting and payment of moneys and property which shall come into his hands; and they are hereby empowered to select a site for said memorial building, purchase the same, taking the title thereof to themselves, and their successors in the office forever; and are fully empowered to construct, or have constructed thereon, a building, in perpetual memory of the men of Granville, and Granville township, who served their country in any war waged therefor; and all the property held by said trustees shall be free from taxation by the state, county, or municipality.

SECTION 4. Said building shall contain an assembly room for the use of the soldiers' and sailors' association, free of rent; provided, however, if the soldiers' and sailors' association ceases to exist, and there be any

other organization of survivors of the soldiers and sailors of the republic, or of their sons and successors, the trustees of said memorial building may grant to such association the use of said assembly room, and if there be no such organization, then the use of said assembly room may be given to uses which will best subserve the interests of the citizens of said Granville township. It shall also contain a memorial room, or rooms, for the preservation of flags, documents, records and relics of the several wars and of the early settlement of Ohio, and a place for tablets of all soldiers who enlisted from Granville township, and for all ex-Union soldiers who may be buried in any cemetery in said township. It shall also contain library rooms, for the public library, under the management and control of "the Granville reading room and library association," which association shall have and enjoy said library rooms, free of rent, forever; but the books of the library shall be free to all the people of said township, under such proper and reasonable regulations as may be ordained by said library association. Said trustees of the memorial building are hereby authorized and empowered to take and receive donations, legacies or devises, in land or money, and other property for the general purpose of aiding the objects and purposes of said memorial building and the endowment thereof; but they are not to receive any compensation for their services.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[Senate Bill No. 499.]

AN ACT

To authorize the board of education of the city of Piqua, Miami county, Ohio, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education in the city of Piqua, Miami county, Ohio, be and they are hereby authorized to borrow any sum of money, not exceeding fifteen thousand dollars, for the purpose of erecting primary school buildings in said city of Piqua.

SECTION 2. That for the purpose aforesaid the said board are hereby authorized to issue bonds, not exceeding fifteen thousand dollars in amount, to be signed by the president and attested by the clerk of the board, in sums of not more than one thousand dollars, nor less than one hundred dollars, bearing interest at the rate of six per cent. per annum, payable semi-annually; said bonds to be payable at such time or times, not exceeding twenty years from the respective dates thereof, as said board may determine; said bonds shall be sold for not less than their par value, and said board may, at their discretion, have coupons attached.

SECTION 3. Said board shall, annually thereafter, cause the necessary taxes to be levied, to pay the interest on said bonds, and to pay the princi-

pal thereof, as the same shall become due, in the manner provided by law for levying and collecting taxes.

SECTION 4. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 928.]

AN ACT

To authorize the trustees of Highland township, Defiance county, Ohio, to issue bonds for the purpose of purchasing additional grounds for a cemetery for said township, and for the purpose of paying the present outstanding indebtedness of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of Highland, in the county of Defiance, Ohio, be and they hereby are empowered to borrow money and issue the bonds of said township therefor, in the sum of one thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, for the purpose of purchasing not less than two acres of land in said township, to enlarge the cemetery in said township, and also for the purpose of discharging the present outstanding indebtedness of said township.

SECTION 2. Such bonds shall be in denominations of two hundred and fifty (\$250.00) dollars each, and shall be payable at such place and at such times, not exceeding six years from the date of issue, as the said trustees may determine; said bonds shall be signed by the trustees of said township and attested by the township clerk of said township, who shall make a record of the number, date of issue and maturity of each bond and the amount thereof, and they shall not be sold for less than their par value.

SECTION 3. The trustees shall, before issuing said bonds, submit the question to a vote of the electors of said township at any general election; notice of the submission of said question to the electors shall be given by posting in at least four of the most public places in said township written or printed notices thereof, for at least ten days previous to such election; the ballots to be voted at such election, upon said question, shall have written or printed thereon the words, "For issuing bonds—Yes;" or, "For issuing bonds—No;" and if a majority of the votes cast upon such question shall be in favor of issuing said bonds, then the said trustees may proceed under this act and issue said bonds, and from the moneys arising therefrom, purchase said lands to enlarge said township cemetery and pay off and discharge the present outstanding indebtedness of said township.

SECTION 4. The trustees of said township, for the purpose of paying said bonds and the interest thereon, shall determine the amount of taxes upon all the taxable property of said township necessary therefor, and certify such amount to the county auditor of said county, at the time

other township taxes are certified to said county auditor, and said county auditor shall levy annually upon all the taxable property of said township the sum so certified in addition to all other taxes now authorized by law to be levied upon the taxable property of said township.

SECTION 5. This act shall be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 1138.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct certain free turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county, Ohio, are hereby authorized to construct the following free turnpikes, to-wit: [First.] One commencing on the south side of the village of Batavia, on the east side of the east fork; thence up the east fork to the bridge over Talley's ford, thence from said bridge on the west side of said east fork to the Ohio turnpike at Turten's farm near back run. Second. One commencing at the corporation line on the southeast side of the town of Bethel, on the old state road, known as the Bethel and Augusta road; thence in a southerly direction, following the line of the old road, as near as practicable, through Tate township, past Antioch church, and through Franklin township in said county, intersecting the Felicity and Georgetown pike near the Bulskin bridge at Plummer's ford, in Franklin township. Third. One beginning at the Felicity and Rural turnpike road, at a point near the Stringtown bridge; thence in an easterly direction on the line of the old road, as near as practicable, through the lands of William McMurchy, John Houser, Mary Houser, E. R. Wells, Almaretta and J. F. Hoover, to Franklin school house; and in locating any one of said roads, said commissioners may locate the same upon the road or any part of any county or township road heretofore laid out and established, and widen, alter, change, or vacate the same, or any part thereof, and shall have power to lay out, locate, and survey such turnpike through any improved or unimproved lands, and are hereby authorized for that purpose to condemn and appropriate the necessary lands thereof in pursuance of the laws of Ohio for the appropriation of private property for public purposes, and payment of compensation thereof; said roads to be opened not more than sixty nor less than thirty feet wide.

SECTION 2. That said commissioners shall, if they deem best, issue bonds for the construction of said roads; provided, that said bonds shall not bear interest at a higher rate than six per centum per annum, payable semi-annually, and shall not be sold for less than their par value; provided, further, that said bonds may extend to such time as they can be

met, at a levy of two-tenths of one mill on the dollar on the tax duplicate of said county.

SECTION 3. That said commissioners shall, before proceeding to construct said road, or any part thereof, require and secure from those interested in said road and improvement, a subscription or donation, equal in amount to twenty per centum of the whole cost of said improvement, to aid in its construction.

SECTION 4. For the purpose of paying said bonds, the county commissioners are hereby authorized to levy and assess a tax, not to exceed two-tenths of one mill on the dollar, annually, on all the taxable property in said county, in addition to taxes now authorized by law.

SECTION 5. That a majority of said board of commissioners shall be necessary, at any regular session, to agree upon specifications, and order said improvement or any part thereof.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 1152.]

AN ACT

To authorize the trustees of Columbia township, in Hamilton county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Columbia township, in Hamilton county, be and they are hereby authorized to transfer the sum of three thousand and five hundred dollars from the poor fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 1251.]

AN ACT

To divide Union township, in Fayette county, Ohio, into two voting precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Union township, in Fayette county, Ohio, be and is hereby divided

into two election precincts, by a line commencing at a point in the Jeffersonville pike in said county and in the line between Jefferson and Union townships; thence with the Jeffersonville pike to corporation line of Washington city in said county; thence with North street to Court street; thence west on Court street to Fayette street; thence southeast along Fayette street to the corporation line of said city; thence with the Chillicothe pike to the point where the Chillicothe pike intersects the Greenfield and Good Hope pike; thence southwest with the Greenfield and Good Hope pike to the line between Wayne and Union townships in said county. All of said township lying east of said line shall be known as eastern precinct, and all of said township lying west of said line shall be known as western precinct. The voting place for eastern precinct shall be at the northeast corner of the court house, and the voting place for the western precinct shall be at the southeast corner of the court house in said Union township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 1269.]

AN ACT

To authorize the council of the incorporated village of New Paris, Preble county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of New Paris, Preble county, Ohio, be and the same is hereby authorized and empowered to transfer four hundred dollars from the bridge fund to the sinking fund of said village.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 1342.]

AN ACT

To authorize the village of McConnellsville, Morgan county, to issue and sell bonds, and with the proceeds erect a town hall and public offices.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of McConnellsville, in the county of Mor-

gan, Ohio, be and is hereby authorized and empowered to issue bonds, not exceeding sixteen thousand dollars, in denominations not exceeding five hundred dollars each, bearing five per cent. interest per annum, payable semi-annually at the treasurer's office in said village, to mature at such time as said village may designate, not exceeding twenty years from date, and to be sold at not less than their par value, for the purpose of purchasing a site in said village and erecting thereon a town hall and offices and such rooms as said council shall deem proper, and for the interest of said village.

SECTION 2. The said council may purchase such site by contract, or if unable so to do, by proceedings for the appropriation of private property for public uses as in other cases.

SECTION 3. The said town hall and offices and rooms shall be constructed and erected under the supervision of a building committee to be appointed by the mayor, and confirmed by the council, and shall be composed of three judicious and competent citizens of said village, who shall have power to let the contract for the work to bidders, or said work may be done in part or wholly by the job or day, as such committee shall deem best.

SECTION 4. No bonds shall be issued for said improvement until the question of their issue shall have been submitted to the qualified electors of said village, after five days' notice thereof has been given for said election, at a regular or special election. The tickets to be voted shall contain the words, "Bonds for town hall—Yes;" or, "No," as the electors may choose; and if a majority shall contain the words, "Bonds for town hall—Yes," then the said council shall issue bonds, purchase a site, and erect a town hall and offices as provided in foregoing sections.

SECTION 5. The said council of said village is hereby authorized and required to levy a tax on all the taxable property of said village to pay the said bonds with the interest thereon as they may become due, which levy shall be placed on the tax duplicate by the auditor of said Morgan county, and collected as other taxes, and when so collected the said auditor shall pay the same to the treasurer of said village.

SECTION 6. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 910.]

AN ACT

To authorize the commissioners of Greene county, Ohio, to pay out of the general county fund of said county the expense of litigation in an action wherein they were sued personally for alleged negligence in the performance of an official duty.

WHEREAS, Alfred Johnson, H. H. Conklin and M. A. Walton, being then and now commissioners of Greene county, Ohio, were on the ninth day of July, 1887, sued, personally, by William Jenkins in a certain action, No. 7036, in the court of common pleas in and for said county, for

ten thousand dollars damages for alleged neglect to perform their official duty as such commissioners in the repairing and rebuilding a certain bridge over the Little Miami river near Old Town, in said county, which was washed away by the flood of May 12, 1886, whereby the minor son of said William Jenkins, on the night of May 22, 1886, drove into said stream and was drowned; and

WHEREAS, Said Alfred Johnson, H. H. Conklin and M. A. Walton were compelled to employ attorneys and incur cost and expense in litigating said action, the same having terminated in their favor in said court of common pleas, and the judgment thereof having been affirmed in the circuit court in and for said county, and said litigation having ended; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Greene county, Ohio, are hereby authorized to pay out of the general fund of said county, attorneys' fees, costs, and expenses, incurred in said litigation in a sum not exceeding three hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 943.]

AN ACT

To authorize the board of education of Wadsworth special school district, in Medina county, to make an additional levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Wadsworth special school district, in Medina county, is hereby authorized to levy on each dollar of valuation of taxable property of said district, in addition to that now authorized by law, two mills. The proceeds of said additional levy to be used for school expenses other than school-house purposes.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President protem. of the Senate.

Passed March 21, 1889.

[House Bill No. 1217.]

AN ACT

To authorize the council of the incorporated village of West Cleveland, Ohio, to issue bonds for the purpose of improving Detroit street in said village, and to repeal an act for the same purpose, passed April 11th, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of West Cleveland, Cuyahoga

county, Ohio, is hereby authorized to issue the bonds of said village in a sum not exceeding the sum of sixty thousand dollars, in such denominations as said council may deem fit, bearing interest at a rate not exceeding six per cent. per annum, payable annually, and redeemable at a period not exceeding twenty-five years from the date of issue. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be made payable at such place or places as the council of said village shall by ordinance provide; and said bonds shall not be sold for less than their par value, and may be issued and sold at such times and places and in such amounts as the council of said village shall provide by ordinance.

SECTION 2. The money arising from the sale of said bonds shall be used by the council of said village for the purpose of grading, curbing, paving and improving Detroit street in said village from a point in the westerly line of said village to the westerly line of the Lake Shore and Michigan Southern railway crossing in said village.

SECTION 3. Whenever the bonds of said village shall be issued, as provided in this act, it shall be the duty of the council of said village to levy a tax and assessment upon all property, lots, premises and hereditaments, abutting on said Detroit street between the limits mentioned in section 2 of this act, sufficient to pay the interest accruing, annually, on said bonds as issued, and to create a sinking fund for the payment of the principal of said bonds, as the same shall fall due; provided, that said council may create said sinking fund whenever, in its judgment, it shall be necessary.

SECTION 4. That for the purpose of paying such amount or portion of said bonds as shall have been issued for the purpose of paying street and alley intersections, the council of said village may and is authorized to levy a tax upon all the taxable property in said village in addition to the amount allowed to be levied by law, to be placed in the Detroit street improving fund, and not to be otherwise appropriated.

SECTION 5. That an act entitled "an act to authorize the council of the village of West Cleveland, Ohio, to issue bonds for the purpose of improving Detroit street in said village," passed April 11th, 1888, be and the same is hereby repealed.

SECTION 6. That this act take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 1220.]

AN ACT

To divide Green township, Hocking county, Ohio, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Green, in the county of Hocking, be and the same is hereby divided into three election precincts, as follows: That all the territory included within sections one (1), two (2), seven (7), eight (8),

thirteen (13), fourteen (14), fifteen (15), nineteen (19) and twenty (20), in said named township, shall constitute and be known as the Haydenville precinct, and elections shall be held at Haydenville, in said precinct. That all the territory included within sections three (3), four (4), five (5), six (6), nine (9), ten (10), eleven (11), twelve (12), seventeen (17) and eighteen (18), in said named township, shall constitute and be known as the Greendale precinct, and elections shall be held at Greendale, in said precinct. That all the territory included within the remaining sections of said township shall constitute and be known as the Green precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 1227.]

AN ACT

To authorize the commissioners of Brown and Clermont counties to construct a free turnpike in said counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Brown and Clermont counties, Ohio, be and they are hereby authorized to build and construct a good and sufficient free turnpike on the line, as nearly as practicable, of the "Old Chillicothe Road" leading from Williamsburg, Clermont county, through De La Palma and Union Plains, Brown county, to the Highland county line.

SECTION 2. Twenty per centum of the cost of the construction of said free turnpike shall be paid by a tax on all the taxable property of said counties within one mile of said free turnpike, and eighty per centum of the cost of the construction of said free turnpike shall be paid by a tax on all the taxable property of said counties, each county paying for the construction of its portion of said free turnpike, and all other costs connected with the establishing of said free turnpike shall be paid for by said counties, each county paying such a part of said expense as may be incurred by the establishing and construction of its portion of said free turnpike.

SECTION 3. The commissioners of each county are hereby authorized to appoint three judicious, disinterested landholders of their respective counties as viewers, and a competent surveyor, whose duty it shall be to measure and lay off in sections of not less than one-half mile the road thus sought to be improved, and they shall also ascertain the lands, lots and parcels of lands lying within one mile of said free turnpike and subject to taxation for the payment of said twenty per centum, and they shall also ascertain the resident tax-payers within said limit, and all persons subject to taxation within said limit. Said viewers and surveyor shall be sworn to honestly and faithfully discharge the duties incumbent upon them. They shall make their report in writing within a reasonable time, to be fixed by said commissioners; the commissioners may, for good cause, set aside said report, and order another view and measurement, by the same

viewers and surveyor, or by other viewers and surveyor, and the said commissioners shall have jurisdiction at all times to make all proper corrections in regard to the lands and persons subject to taxation within said limit.

SECTION 4. The said commissioners shall, by order entered on their journal, determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten, and an equal part of said twenty per centum shall be levied and collected each year; and the said commissioners are authorized each year to make such levy upon all the taxable property within said limit, until the whole of the twenty per centum is fully paid; and they shall cause the same to be placed upon the tax duplicate and collected as other taxes; and they shall, in like manner, levy upon all the taxable property of the county the eighty per centum of the cost of said free turnpike, so that the same will be paid in not less than five years nor more than ten.

SECTION 5. For the purpose of paying for the construction of said free turnpike, as the work progresses, and when completed, the said commissioners are hereby authorized and empowered to issue the bonds of the county, payable in such time as said commissioners may determine, but not longer than ten years; and said commissioners shall sell said bonds for not less than their par value, and they shall bear not to exceed six per cent. interest per annum, interest payable semi-annually.

SECTION 6. In the letting of the contract for the furnishing of material and the construction of said free turnpike, the said commissioners shall be governed by the laws of Ohio in regard to the letting of contracts for the construction of free turnpikes.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 1230.]

AN ACT

To authorize the council of the city of Washington, in Fayette county, to issue bonds for the purpose of constructing and providing sewerage therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Washington, in Fayette county, be and the same is hereby authorized to issue the bonds of said city in any sum not exceeding ten thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, from date of their issue, payable semi-annually, for the purpose of providing for and constructing in said city public sewers.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said city. Said bonds shall not be sold for less than their par value and shall be issued in such amounts and at such time or times, as will, in the judgment of the council of said city, best subserve the

interest of the city, and the negotiation and sale of said bonds. The principal of said bonds shall be payable at such place and at such times as the council may determine by ordinance, within a period not exceeding ten years; and said council is hereby authorized to levy a tax upon all the taxable property of said city, not exceeding one mill on the dollar in any one year, to pay the amount of said bonds and interest.

SECTION 3. The funds realized from the sale of said bonds shall be used by said council for the purpose of locating and constructing and paying for public sewers for said city.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 21, 1889.

[House Bill No. 1274.]

AN ACT

To authorize the trustees of the civil township of Union, Belmont county, to assume the duties and functions of the original township trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the civil township of Union, Belmont county, are authorized and empowered to assume the functions and duties of the trustees of and for the original township corresponding to the said township of Union, as provided for by the laws of Ohio.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 22, 1889.

[House Bill No. 724.]

AN ACT

To amend "an act to divide Pultney township, Belmont county, into two election precincts," passed March 17, 1886, and to repeal said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Pultney township, Belmont county, Ohio, be divided into two election precincts, and said two election precincts shall be known as the Bellaire and West Wheeling precincts of said township, and shall be divided as follows, to-wit: The West Wheeling precinct shall include all the territory within sections twenty, twenty-six and the north half of section

thirty-two in said township, and the elections in said precinct shall be held at West Wheeling; the Bellaire precinct shall include all of the territory of said township not included in said sections twenty, twenty-six and the north half of section thirty-two, and the elections in said precinct shall be held at Bellaire.

SECTION 2. The original act entitled "an act to divide Pultney township, Belmont county, into two election precincts," passed March 17, 1886, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 936.]

AN ACT

To authorize the village of Avondale, Hamilton county, to borrow money and issue bonds therefor, to pay for street improvements, fire and police purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Avondale, in the county of Hamilton, be and hereby is authorized to borrow money, not exceeding seventy-five thousand dollars (\$75,000.00) in amount, to be used in paying for general street improvements, and for fire and police purposes in the village, and to issue bonds of said village therefor, the same to bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to be of such denominations and to mature at such times as said council shall determine; provided, that such bonds shall not be sold for less than their par value.

SECTION 2. Said council is hereby authorized to levy such amount of tax upon the taxable property of said village as may be necessary to pay the interest and principal of such bonds when the same become due; said tax to be levied and collected in the same manner as taxes for general purposes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1042.]

AN ACT

To establish township lines in the townships of Salem, Fearing and Muskingum, in Washington county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following surveys, commencing at the east line of Salem and Fearing townships, at a point known as the S. E. corner of one hundred acre lot No. one hundred and seventy-four (174) and the N. E. corner of one hundred and seventy-three (173) of Duck creek allotment of donation lands, and running west on the south line of one hundred acre lots No. one hundred and seventy-four (174), one hundred and sixty-five (165), one hundred and thirty-one (131), fifty-nine (59), seventy-four (74), seventy-three (73) and seventy-five (75), be and the same is hereby established as the line between the townships of Salem, Fearing and Muskingum, in the county of Washington, this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1139.]

AN ACT

To authorize the Star of Hope Lodge, number 127, of the Independent Order of Odd Fellows of Ohio, to issue bonds and mortgage its property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Star of Hope Lodge, No. 127, of the Independent Order of Odd Fellows of Ohio, a corporation duly incorporated March 11, 1858, under the laws of this state, be and is hereby authorized to issue bonds not to exceed twelve thousand (\$12,000) dollars, to be issued in denominations of fifty, one hundred, and five hundred dollars; none of said bonds shall become due and be payable in less than three years from the date of issue, or have a longer time to run than (10) ten years from the date of issue; provided, that any or all of said bonds may be paid at any time after three years from date of issue; and all of said bonds shall draw interest from date of issue, at the rate of (6) six per centum per annum, payable semi-annually, and said bonds shall be signed by said corporation, by its duly elected and acting trustees, and countersigned by the secretary of the lodge, under the seal of the Star of Hope Lodge, No. 127, I. O. O. F. of Ohio.

SECTION 2. The payment of said bonds and interest is to be secured by mortgage on all or any part of the real estate of said Star of Hope Lodge, No. 127, of the Independent Order of Odd Fellows of Ohio. The bonds hereby authorized to be issued shall not be sold for less than their

par value, and the proceeds shall be applied to the improvement of the real property of said Star of Hope Lodge, No. 127.

SECTION 3. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1143.]

AN ACT

To authorize the board of education of the Gahanna independent school district, of the village of Gahanna, and territory annexed thereto, in Franklin county, Ohio, to borrow money and issue bonds for the purpose of building and furnishing a school house in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Gahanna independent school district, of the village of Gahanna, and territory annexed thereto, in Franklin county, Ohio, is hereby authorized to borrow money, not to exceed the sum of seven thousand five hundred (\$7,500) dollars, and issue the bonds of the district therefor, for the purpose of building a school house and furnishing the same.

SECTION 2. That such bonds shall be signed by the president and attested by the clerk of the board of education; shall not be for a sum greater than five hundred dollars nor less than one hundred dollars each; shall bear interest at a rate not to exceed six per cent. per annum; shall be made payable at such times as the board shall determine, but within ten years from date of issue, and shall not be sold for less than their face value; and the board shall levy annually such tax as is necessary to pay the bonds as they become due, and all accrued interest.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1219.]

AN ACT

To amend section one of an act entitled "an act to authorize the commissioners of Gallia county, Ohio, to pay Harriet Hampton fifteen hundred dollars, amount paid upon a forfeited bond of W. G. Hampton," passed April 4th, 1888 (O. L., vol. 85, pp. 499 and 500).

WHEREAS, At the February term, 1885, of the Gallia county court of common pleas, one W. G. Hampton was, by the verdict of a petit jury, convicted of the crime of burglary; and

WHEREAS, A motion in arrest of judgment was made, for the purpose of taking said case to the supreme court, and a bond given for the appearance of said Hampton in court and abide all further orders of the same; and

WHEREAS, Harriet Hampton, mother of said W. G. Hampton, to secure said bondsmen on said bond, to-wit: John B. Clendennin and John Hampton, made a deed of her home property, situate in the city of Gallipolis, Ohio, to said John B. Clendennin and John Hampton, taking from them a contract to deed the same back to her in the event they were held harmless on said bond; and

WHEREAS, Through the ill-advice of alleged friends, said W. G. Hampton fled the country, and did not appear in court as he was bound to by the terms of said bond, and the same thereby became and was duly forfeited; and

WHEREAS, The said bondsmen were compelled to, and did, pay over to the commissioners of said Gallia county, the sum of fifteen hundred dollars upon said forfeited bond, on the — day of —, 188—, and were duly reimbursed by said Harriet Hampton, by her payment to them of said sum of fifteen hundred dollars; and

WHEREAS, The said W. G. Hampton, on or about the — day of —, 1886, voluntarily returned to his home, and was duly sentenced by the court of common pleas of said Gallia county, at the May term, 1886, to imprisonment in the Ohio penitentiary, for the period of one year; and

WHEREAS, On the recommendation of the judge and the jury at the trial of said case, and the other judges of the subdivision, Governor Hoadly, after a careful examination of the evidence at the trial of said W. G. Hampton, and other evidence submitted to him, which made it conclusive to his mind, that said Hampton was entirely innocent of the crime of which he had been convicted and sentenced, unconditionally pardoned him; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Gallia county, Ohio, be and they are hereby authorized to direct the payment of the sum of fifteen hundred dollars out of the county fund to Harriet Hampton, mother of said W. G. Hampton; and to order the auditor of said county to draw his warrant in favor of Harriet Hampton on the treasurer of said county, for the payment of said sum; provided, however, that the said commissioners of Gallia county shall not direct the payment of the said fifteen hundred dollars to the said Harriet Hampton, nor order the auditor of said county to draw his warrant in favor of the said Harriet Hampton on the treasurer of said county, for the payment of the said sum, until the question of the relief of the said Harriet Hampton shall have been submitted to a vote of the qualified electors of the said county at a general election, of which not less than ten days' notice shall be given by publication in two newspapers of general circulation in said county; and at said election, all those desiring to vote in favor of the payment of said sum to said Harriet Hampton shall have written or printed on their ballots the words: "Relief of Harriet Hampton—Yes;" and those opposed to the same the words: "Relief of Harriet Hampton—No;" and if the majority of the ballots cast at said election shall have written or printed on them the words, "Relief of Harriet Hampton—Yes," then the said commissioners may proceed to direct the payment of the said sum to Harriet Hampton; but if a majority of the ballots cast at said election

have written or printed on them the words, "Relief of Harriet Hampton—No," then the said sum of fifteen hundred dollars shall not be paid to the said Harriet Hampton, and this act shall not be in force.

SECTION 2. Section one of an act entitled "an act to authorize the commissioners of Gallia county, Ohio, to pay Harriet Hampton fifteen hundred dollars, amount paid upon a forfeited bond of W. G. Hampton," passed April 4th, 1888 (O. L., vol. 85, pp. 499 and 500), is hereby repealed.

SECTION 3. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1222.]

AN ACT

To provide for the transfer of the custody and control of a part of the Western Reserve and Maumee state road, in trust, to the city of Fremont, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* whenever, and as soon as the commissioners of the county of Sandusky shall, by resolution duly passed by them and entered on their journal, surrender to the city of Fremont all their powers and rights in so much of the Western Reserve and Maumee state road, excepting the bridge over the Sandusky river, as is now or hereafter may be within the corporate limits of said city, and said city, by its council, shall, by resolution duly passed by it and entered on its journal, accept the same, said part of said road, except the bridge over the Sandusky river, shall be thereby transferred in trust to said city of Fremont and shall be thereafter to all intents and purposes a street of said city and subject to all the laws and ordinances in any manner applicable to other streets therein, except that the same shall be forever maintained as a free public highway.

SECTION 2. The commissioners aforesaid are hereby authorized and empowered to appropriate, from time to time, from the free turnpike fund of said county, such sums as they may deem just and equitable, to be applied toward the cost and expense of improving and repairing the aforesaid part of said road.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1245.]

AN ACT

To amend sections one and two of an act entitled "an act to authorize the council of the incorporated village of Milford, in Clermont and Hamilton counties, to borrow money and construct a building for town hall, council chamber and village prison," passed February 19, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and two of the above recited act be so amended as to read as follows:

Sec. 1. That the council of the incorporated village of Milford, in Clermont and Hamilton counties, be and it is hereby authorized to issue the bonds of said village, in any amount not exceeding fifteen thousand dollars, to sell the same, and use the proceeds thereof to purchase a site or adjoining land to that the village now has, as it may deem best, and erect such building as may be deemed necessary for a town hall, council chamber and village prison, or one or more of them.

Sec. 2. Said bonds shall be issued to such an amount, not exceeding fifteen thousand dollars, in such denominations and be payable at such time or times as said council may determine. They shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually. They shall be signed by the mayor, countersigned by the clerk, and be authenticated by the seal of said village.

SECTION 2. That said original sections 1 and 2 be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1265.]

AN ACT

To authorize the council of the incorporated village of Dresden, Muskingum county Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Dresden, Muskingum county, Ohio, be and are hereby authorized to transfer to the fire fund of said village, the following sums, viz: \$30.00 from light fund; \$600.00 from general fund; \$100.00 from police fund; in all \$730.00.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed March 27, 1889.

AN ACT

To authorize the council of East Palestine, Ohio, to issue bonds for the purpose of providing said village with a system of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of East Palestine, in the county of Columbiana, and state of Ohio, be and is hereby authorized and empowered to issue the bonds of said village, in any sum actually needed for the purpose, but in no case exceeding twenty-five thousand dollars, and bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, and to be of such denominations as the village council shall by ordinance prescribe, but not less than one hundred dollars each, and shall be made payable at such times and place as the council shall by ordinance prescribe, but not more than thirty years from date, and which bonds shall not be sold for less than par in cash. The proceeds of said bonds shall be used for the purpose of buying or leasing the necessary land and water right and material, and constructing thereon and therewith a system of water-works for said village, and for no other purpose whatever; the said bonds shall be signed by the mayor of said village and attested by the clerk thereof, and the seal of said village, and when sold the proceeds shall be paid to the treasurer of the village, who shall hold and disburse the same as other village funds are by him held and disbursed.

SECTION 2. If any bonds of said village be issued as hereinbefore provided, it shall be the duty of the council of said village, annually thereafter, until the said bonds and the interest thereon is fully paid, to assess and levy a tax on all the taxable property of the corporation, sufficient to provide for the payment of said bonds as they fall due, with interest accruing thereon. All earnings of said water-works, after deducting current expenses, shall be paid into the sinking fund and used for the extinguishment of said indebtedness.

SECTION 3. Provided, that before said bonds are issued, the village council shall submit the proposition to the electors of said village, at a special election, to be held for such purpose, at such time as the council shall determine by resolution, notice of which shall be given of the time and place of holding such election, and the amount of bonds to be issued, at least ten days prior to the time of holding such election, in a newspaper of general circulation in said village, and the form of ballot shall be as follows: Those in favor of the construction of water-works and the issuing of said bonds, shall have written or printed upon their ballots, "Water-works—Yes;" those opposed to the construction of water-works and the issuing of said bonds, shall have written or printed upon their ballots, "Water-works—No." The election shall be held in accordance with the election laws of the state, but the poll-book and returns thereof shall be made to the village clerk, who shall present them to the council, when the same shall be opened and canvassed, and the result declared, and entered upon the minutes of said council, and if it shall appear that a majority of the ballots cast at such election were in favor of water-works and the issuing of said bonds, then the council shall proceed to issue such bonds, and not otherwise; provided, however, before issuing said bonds or contracting any liabilities whatever, the council shall fix, by ordinance, on what streets said water-pipes shall be laid, giving dimensions and kind

of pipe to be used; the number of fire-plugs and distance from each other; the height to which the water is to be raised, which shall be of sufficient height to conduct water to any part of the village; the number of miles of pipe to be laid and such other matters as may be necessary to have a complete and sufficient system of water-works. After the passage and publication of said ordinance, as prescribed by law, the council shall advertise for sealed proposals, in accord with the provisions of said ordinance, and which proposals may be for a part or the whole of the labor and materials to be furnished, as the council in its discretion may deem best, and if it is ascertained upon the opening of said bids that said water-works can be built complete in every respect, and that good and responsible parties will enter into the contract, with good and sufficient bond that they will build said water-works, or such part as may be let to them, for a sum not to exceed twenty-five thousand dollars for the whole, said council may accept such proposal as in their judgment is most reasonable, economical and satisfactory, and enter into a contract for such purpose, and may issue the bonds as herein provided, and not otherwise. Said council may at the same time advertise for proposals for private companies, who may build and own water-works in accord with the provisions of said ordinance, to supply said village and the citizens thereof with water for all purposes, public and private, and if it is ascertained that it would be for the interest of said village to contract with any private company, for any period not exceeding twenty years, for the supply of water as aforesaid, then said council shall have power to enter into a contract with such private company, and to issue such amount of bonds, and to levy such annual taxes as may be necessary to pay for such annual supply, not exceeding twenty-five hundred dollars per year.

SECTION 4. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1280.]

AN ACT

To authorize the village of Columbiana, Ohio, to erect or purchase an electric light, or gas plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Columbiana, Ohio, be and they are hereby authorized and empowered to erect or purchase an electric light, or gas plant, for supplying the streets, squares, alleys, public grounds and buildings, and all public places within the corporate limits, and for supplying the citizens of said village with light, or all, any or either of them.

SECTION 2. That the said council, when they determine to erect or purchase, either an electric light or gas plant, as provided, and for the purposes set forth in section 1 of this act, it shall proceed as follows:

First. It shall cause plans and specifications to be made, showing

the kind and character of the work to be done, the kind and character of the material to be used, the number, size, style and location of all lights to be placed for public use, which plans and specifications shall be open for the inspection of all parties desiring to prepare, and offer bids, either for the furnishing of the material, or performing of the labor, or both, at least thirty days prior to the letting of the contract or contracts.

Second. It shall advertise for bids for a period of three weeks in the local paper of the village, or other weekly paper having a general circulation in the village, setting forth that sealed proposals would be received up to twelve o'clock at noon on the last day as stated in the advertisement.

Third. The bids shall be opened at twelve o'clock at noon on the last day for the filing of the same, by the village clerk, the mayor, and solicitor, or any two of them, and publicly read by the officer opening the same, and filed in the office of the village clerk, and shall be reported by him to the council at the next regular meeting thereafter.

Fourth. Each bid shall contain the name of every person, corporation or company interested in the same, and shall be accompanied by a sufficient guaranty of some disinterested person or persons that the bid, if accepted, a contract will be entered into, and the performance of it properly secured.

Fifth. If the bid for embraces both labor and material, they shall be separately stated, with the price thereof.

Sixth. None but the lowest responsible bid shall be accepted; but the council may, in its discretion, reject all the bids, or it may, at its discretion, accept any bid for both labor and material which may be the lowest aggregate cost for the completion of the improvement.

SECTION 3. That before the village council of said village shall be authorized to make an expenditure of money, under any of the provisions of this act, they shall first submit the question of making said improvement to a vote of the qualified voters of said village, at a special election, to be called for that purpose, which shall be advertised at least three successive weeks next preceding the holding thereof, in the local paper, or papers of said village, specifying the time and place, and the object of said election, which shall be submitted in the following manner, *to-wit*: the ballots of those favoring the improvement shall have plainly written or printed upon their face the words, "For electric or gas lights—Yes;" and those opposed to the improvement shall have written or printed on the face of their ballots the words, "For electric or gas lights—No;" and if a majority of the ballots cast at said election shall have written or printed thereon the words, "For electric or gas lights—Yes," then said council are authorized to proceed to make said improvement.

SECTION 4. For the purpose of providing the funds with which to pay for said improvement, said council are hereby authorized to issue the bonds of said village, in such denominations and in such amounts as they may deem necessary to complete said improvement, not, however, in the aggregate to exceed the sum of seven thousand dollars, for the full completion of said improvement, and provided further, that said bonds shall not bear a greater rate of interest than five per cent. per annum, payable annually, and shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1289.]

AN ACT

To authorize the council of the incorporated village of Garrettsville, Portage county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Garrettsville, Ohio, be and the same is hereby authorized and empowered to transfer five hundred dollars (\$500) from the street fund to the city hall fund of said corporation.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1306.]

AN ACT

To authorize the council of the incorporated village of Navarre, Stark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Navarre, Stark county, Ohio, be and is hereby authorized and empowered to transfer from the police funds twelve hundred dollars, and from the general purpose funds three hundred dollars, to the credit of the fire department fund.

SECTION 2. This act to take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1313.]

AN ACT

To change the name of Max M. Rolinsky.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Max M. Rolinsky be and the same is hereby changed to that of Max M. Rolins.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1315.]

AN ACT

To authorize the board of education of the city of Urbana, Ohio, to borrow money and issue bonds therefor, to pay cost and expense of putting the Smead-Rutan heating apparatus in and improving the Urbana high school building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Urbana, Champaign county, Ohio, be and it is hereby authorized to borrow any sum not exceeding six thousand dollars, for the purpose of paying the cost and expense of putting the Smead-Rutan heating apparatus in and making improvements to the Urbana high school building.

SECTION 2. That for the purpose aforesaid, the said board of education is authorized to issue bonds not exceeding six thousand dollars in amount, bearing interest from date of issue at the rate of six per cent. per annum, payable semi-annually, and payable at such time or times not exceeding ten (10) years from the date thereof, as such board may determine. Said bonds shall be signed by the president and attested by the secretary of said board of education, and shall not be sold for less than their par value.

SECTION 3. Said board shall, annually, after the issue of such bonds, cause the necessary taxes to be levied to pay the interest thereon and the principal thereof, as the same shall become due, in the manner provided by law for the collection of taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1319.]

AN ACT

To authorize the village of Crestline, Crawford county, Ohio, to issue bonds for certain purposes herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of Crestline, in the county aforesaid, be and are hereby authorized to issue bonds, not exceeding ten thousand dollars in amount, the proceeds of which bonds shall be used for the completion of the building now in process of erection by said village for fire department, corporation prison and corporation offices.

SECTION 2. Said bonds shall be payable at such time, not exceeding six years from the respective dates thereof, as said council may determine; said bonds shall bear interest at a rate not exceeding six per cent. per annum, and shall not be sold for less than their par value.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said council is hereby authorized to levy a tax on all the taxable property of said village, not exceeding one and five-tenth mills on the dollar in any one year, which levy shall be placed on the tax duplicate by the auditor of said county and collected as taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1330.]

AN ACT

To authorize the council of the incorporated village of Cambridge, Guernsey county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Cambridge, Guernsey county, Ohio, be and they are hereby authorized to transfer the sum of eighteen hundred fifty-six and $\frac{10}{100}$ (\$1,856. $\frac{10}{100}$) dollars from the real estate and right of way fund, and six hundred eighteen and $\frac{14}{100}$ (\$618. $\frac{14}{100}$) dollars from the sanitary and street cleaning fund to the general fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[House Bill No. 1076.]

AN ACT

To authorize the village of Gibsonburg and Madison township, Sandusky county, Ohio, to unite in the purchase of a site and the erection thereon of a town hall in said village, and to issue bonds for the purpose of raising money therefor, and for other purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Gibsonburg and Madison township, in Sandusky county, Ohio, be and are hereby authorized to unite in the purchase of a site and the erection thereon of a town hall in said village; said site and hall to be owned by said village and said township in such pro-

portions as the council of said village and the board of trustees of said township may determine; and to meet the payment of the bonds and the interest thereon, hereinafter authorized to be issued to raise money for said purpose, said village and said township be and are hereby respectively authorized to levy a tax, yearly, so long as may be necessary, on the taxable property in each, not exceeding three mills on the dollar, to be collected as other taxes.

SECTION 2. The council of said village is hereby authorized to issue and sell at private sale, at not less than par, the bonds of said village, in any sum not exceeding four thousand dollars, and in denominations not exceeding five hundred dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, and said bonds to be payable at such places and at such times, not exceeding fifteen years from the date of issue, as said council may determine. And the trustees of said township are hereby authorized to issue and sell in like manner, at not less than par, the bonds of said township, in any sum not exceeding two thousand dollars, in denominations not exceeding five hundred dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, and said bonds to be payable at such places and at such times, not exceeding fifteen years from the date of issue, as said trustees may determine; and the money arising from the sales of said bonds shall, so far as may be necessary, be used for the purpose of defraying the expenses for the purchase of said site and the erection of said town hall; and said bonds shall be issued and sold in all respects, not herein provided, according to law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1231.]

AN ACT

To authorize the village council of the village of North Baltimore, Wood county, Ohio to issue the bonds of said village to erect a town hall, including prison and fire-engine room.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of North Baltimore, Wood county, Ohio, be and the same hereby is authorized to issue the bonds of said village for an amount not exceeding four thousand (\$4,000) dollars, for the purpose of building a town hall, including prison and fire-engine room, said bonds bearing interest at a rate not exceeding six (6) per cent., payable semi-annually, and redeemable at such times, not exceeding eight (8) years from date, as the council may, by ordinance, prescribe.

SECTION 2. Before such bonds shall be issued, or tax levied, the question of issuing said bonds and levying a tax therefor, shall be submitted to a vote of the qualified electors of said village at their next annual spring election, or at any time within ninety (90) days thereafter, as said council

may order. Notice of said election shall be given by publication in one or more of the newspapers published in and of general circulation in said county, or by notices posted up at five (5) of the most public places in said village, at least ten (10) days before said election; said notices shall specify the objects for which said election shall be held, the amount of bonds proposed to be issued, with the rate per cent. of interest they are to draw, and the number of yearly levies to be made; the tickets to be voted at said election shall have written or printed thereon, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds is approved by a majority of all the voters voting at said election, the council of said village shall have authority to issue its bonds for an amount not exceeding the amount designated in section one of this act, and to levy a tax therefor, as hereinafter provided.

SECTION 3. Said bonds, when so authorized, shall be issued by the council of said village in denominations of not less than \$100.00 nor more than \$500.00, and shall be drawn for two to eight years. They shall express on their face the purpose for which they shall be issued; shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their face value.

SECTION 4. No more of said bonds shall be sold than is necessary to erect said building, and finish off and furnish the same. Said bonds to be sold from time to time, as the work progresses, and in such amounts as shall be required and made necessary for the completion of said building.

SECTION 5. For the purpose of carrying out all the provisions of this act, the council is hereby authorized and required to levy annually, at the time of making other levies, a tax upon all the taxable property of said village, an amount sufficient to pay said bonds with accrued interest, as they become due.

SECTION 6. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1276.]

AN ACT

To authorize the board of education of the village of Wapakoneta, Auglaize county, Ohio, and the territory annexed thereto for school purposes to borrow money and issue bonds therefor for the purpose of building an addition to a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village school district of Wapakoneta, Auglaize county, Ohio, and the territory annexed thereto for school purposes be and they are hereby authorized to erect and construct an addition to the Second Ward school house, in said village, which shall be free to the use and benefit of all the youth of school age in said school territory for school purposes; provided, that the cost of said addition shall not exceed the sum of eight thousand dollars.

SECTION 2. That for the purpose aforesaid, the said board are hereby authorized to issue bonds, not exceeding eight thousand dollars in amount, to be signed by the president, and attested by the clerk of said board, in sums of not more than one thousand, nor less than five hundred dollars, bearing interest at a rate not exceeding six per cent. per annum, payable annually or semi-annually, as the board may direct, at the office of the treasurer of said school board, said bonds to be payable at such time or times, not exceeding six years, nor less than two years from the date thereof, as said board may determine; and said bonds shall not be sold for less than their par value; and said bonds may, at the discretion of the board, have coupons attached.

SECTION 3. Said board shall, annually thereafter, cause the necessary taxes to be levied to pay the interest on said bonds and to pay the principal thereof as the same shall become due, in the manner provided by law for the levying and collection of taxes for school and school house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1147.]

AN ACT

To authorize the board of education of the city of Akron, in the state of Ohio, to levy a tax in addition to that now authorized by law, for the purpose of procuring sites, erecting buildings, and for the payment of bonds and accruing interest thereon. 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Akron, in the county of Summit, and state of Ohio, be and is hereby authorized to levy upon all the taxable property in said city of Akron school district, for the years 1889, 1890, 1891, 1892 and 1893, for the purpose of furnishing additional school buildings and sites, and for the payment of existing bonds and accruing interest thereon, not exceeding two (2) mills on the dollar valuation in addition to the taxes now authorized by law for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 27, 1889.

[Senate Bill No. 504.]

AN ACT

To authorize the commissioners of Washington county, Ohio, to levy additional taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Washington county, Ohio, be and they are hereby authorized to levy not to exceed one mill upon each dollar of the taxable property of said county, for general county purposes, and not to exceed one mill for poor purposes, in addition to the levies for said purposes now authorized by law, the same to be entered on the duplicate of said county and collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed March 20, 1889.

[House Bill No. 1356.]

AN ACT

To authorize the city council of the city of Xenia, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of Xenia, Greene county, Ohio, be and is hereby authorized to transfer the sum of one thousand dollars from the interest and sinking fund, to the bridge fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1081.]

AN ACT

To authorize the village of Batavia, Clermont county, Ohio, to extend the time for the payment of its bonded indebtedness.

WHEREAS, By authority of two several special acts, passed by the general assembly of the state of Ohio, on the 7th day of February, 1884, and

March the 5th, 1886, respectively, the village of Batavia, Clermont county, Ohio, issued the bonds of said village to the amount of fifteen thousand dollars (\$15,000.00), for the purposes in said acts named, and there remains unpaid of said bonds, so issued, the sum of nine thousand five hundred dollars (\$9,500.00), due and payable as follows, to-wit: One bond for the sum of \$500.00, due May 1, 1890; one bond for the sum of \$1,000.00, due August 1, 1890; one bond for the sum of \$500.00, due May 1, 1891; one bond for the sum of \$1,000.00, due August 1, 1891; one bond for the sum of \$500.00, due May 1, 1892; one bond for the sum of \$500.00, due August 1, 1892; one bond for the sum of \$1,000.00, due August 1, 1892; one bond for the sum of \$500.00, due August 1, 1893; one bond for the sum of \$1,000.00, due August 1, 1893; one bond for the sum of \$500.00, due August 1, 1894; one bond for the sum of \$1,000.00, due August 1, 1894; one bond for the sum of \$500.00, due August 1, 1895; one bond for the sum of \$1,000.00, due August 1, 1895; [therefore,]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Batavia, Clermont county, Ohio, be and hereby is authorized in the year 1890, and each succeeding year thereafter, to and including the year 1895, to issue the bonds of said village in the aggregate not to exceed the sum of six thousand five hundred dollars (\$6,500.00), and bearing a rate of interest not exceeding six per cent. per annum, payable annually, for the purpose of redeeming and paying the bonds as they become due, named in the preamble to this act, and for no other purpose.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk of said incorporated village, and they shall be issued as required during the years specified in section one (1) of this act, in such denominations, respectively, as will, in the judgment of the council, best subserve the negotiation and sale thereof, and shall not be sold for less than their par value, with accrued interest, and said bonds may, by ordinance or resolution of the council, be sold at private sale and without advertisement, and shall be payable at such place as the council, by ordinance or resolution, may determine.

SECTION 3. Said bonds, when issued during the time mentioned in section one (1) of this act, shall not be issued in amount in the aggregate in any one year exceeding two-thirds of the face value of the said bonds becoming due each year as designated in the preamble of this act, and shall be payable at such times after the year 1895, not exceeding thirteen years thereafter, as the council may determine, by ordinance or resolution; and said council is hereby authorized to levy a tax, annually, on all the taxable property of said village of Batavia, to pay said bonds and the interest as the same become due, not exceeding two mills on the dollar in any one year, in addition to the maximum authorized by law.

SECTION 4. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1207.]

AN ACT

To authorize the village council of Carey, Wyandot county, Ohio, to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Carey, Wyandot county, Ohio, be and are hereby authorized to transfer funds in the treasury of said village as follows: One hundred dollars (\$100.00) from the water course fund to the street light fund; three hundred dollars (\$300.00) from the police fund to the street light fund; one hundred dollars (\$100.00) from the corporation fund to the street light fund; ninety-five dollars and twenty-two cents (\$95.22) from the corporation fund to the bridge fund; fifty-five dollars and fifty-eight cents (\$55.58) from the corporation fund to the police fund; six hundred dollars (\$600.00) from the fire fund to the water course fund; one thousand eight hundred dollars (\$1,800.00) from the fire fund to the street improvement fund; three hundred dollars (\$300.00) from the fire fund to the corporation fund; and thirty-two cents (.32) from the bridge fund to the water course fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1325.]

AN ACT

To authorize the city council of the city of Sandusky, Erie county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Sandusky, Erie county, Ohio, be and they hereby are authorized and empowered to permanently transfer, from the police fund, to the building fund, the sum of fourteen thousand dollars (\$14,000), and from the general and incidental fund to the building fund the sum of five thousand dollars (\$5,000).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1333.]

AN ACT

To authorize the council of the village of Dethler, Henry county, Ohio, to borrow money and issue bonds therefor, for the purpose of procuring territory, sinking wells for natural gas, purchasing and laying pipes, and supplying said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Dethler, Henry county, Ohio, be and is hereby authorized to issue bonds for an amount not exceeding ten thousand dollars (\$10,000), for the purpose of leasing or purchasing the necessary lands, sinking wells thereon for natural gas, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery to supply said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 2. Before said bonds shall be issued the question of issuing them shall be submitted to a vote of the qualified electors of said village at a special election, to be held at such time as the council of said village may appoint. The tickets voted shall have written or printed thereon the words, "Authority to issue gas bonds—Yes;" or, "Authority to issue gas bonds—No." If the proposition to issue bonds be approved by two-thirds of the qualified electors of said village voting at such election, the council shall have authority to issue said bonds for the purpose named, as provided in this act.

SECTION 3. The council of said village, within six months after the passage of this act, and at least ten days prior to said election, shall publish notice of the submission of such question in a newspaper published in said village, and said election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in said village.

SECTION 4. Said bonds shall be issued by the council of said village, in denominations not less than one hundred nor more than five hundred dollars, payable at such times, not exceeding twenty years, as the council may determine, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may direct. Said bonds shall express on their face the purpose for which, and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of said village, and shall not be sold for less than their face value.

SECTION 5. The council of said village is hereby authorized to levy a tax, annually, in such amount as will be sufficient to pay the principal and interest falling due on said bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1338.]

AN ACT

To authorize the council of the incorporated village of Medina, Medina county, Ohio, to issue bonds for the purpose of improving the streets of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Medina, Medina county, Ohio, be and is hereby authorized to issue the bonds of said village, in a sum not to exceed six thousand dollars (\$6,000), in denominations of not more than five hundred dollars (\$500) each, bearing interest at a rate not exceeding six per cent. per annum, payable annually, and redeemable at a period not exceeding twenty years from the date of issue. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value, and may be issued and sold at such times and in such amounts as the council of said village shall determine by ordinance.

SECTION 2. The money arising from the sale of said bonds shall be used by the council of said village for the purpose of paving, flagging and otherwise improving the streets thereof, and for no other purpose whatever.

SECTION 3. Whenever the bonds of said village shall be issued as provided by this act, it shall be the duty of said council to levy a tax on all the taxable property of said village, sufficient to pay the interest accruing annually on said bonds so issued, and to create a sinking fund for the payment of the principal thereof, as the same shall fall due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1344.]

AN ACT

To divide Jackson township, Pickaway county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Jackson, in the county of Pickaway, be and the same is hereby divided into two election precincts. The dividing line of said township, for said election purposes, to be Darby creek, running from the west line of said township to the east line thereof. All that portion of said township lying north of said Darby creek to be designated north precinct, and all of that portion of said township lying south of said Darby creek to be designated south precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1349.]

AN ACT

To amend an act passed Feb. 23, 1888, entitled "an act to authorize the trustees of Scipio township, Seneca county, to build a soldiers' monument in Farewell Retreat cemetery in said township."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Scipio township, Seneca county, Ohio, are hereby authorized to issue the bonds of said township in a sum not to exceed fifteen hundred dollars (\$1,500), for the purpose of building and constructing a soldiers' monument in Farewell Retreat cemetery, or in the village of Republic, in said township; said bonds shall be in denomination of one hundred dollars each, payable as follows; five hundred dollars (\$500), August 1st, 1889; five hundred dollars (\$500), August 1st, 1890; and five hundred dollars, August 1st, 1891; and said bonds shall bear interest at the rate of six per cent. per annum.

SECTION 2. Said bonds shall be signed by the trustees of said township, or any two of them, and countersigned by the clerk of said township, and shall be sold according to law.

SECTION 3. For the purpose of paying the principal and interest of said bonds each year, the trustees of said township shall annually levy a tax upon all the taxable property of said township.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1362.]

AN ACT

To authorize the council of the city of Kenton, Hardin county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Kenton, Ohio, be and it is hereby authorized and empowered to transfer the sum of one thousand dollars from the police fund of said city to the fire department fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1366.]

AN ACT

To enable the school board in the incorporated village of La Rue, Marion county, Ohio, to issue bonds and borrow money for the purpose of erecting a new school house in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school board of said village be and the same is hereby authorized to issue bonds and borrow money in any sums not exceeding \$20,000, and levy a tax to pay the same, for the purpose of building a new school house in said village; said bonds to be for the sum of \$250 each, and said bonds to be payable in fifteen equal semi-annual payments; said bonds to draw interest not to exceed four and one-half per cent. per annum; said interest to be paid semi-annually; and provided further, that before this act shall go into effect, it shall be submitted to the qualified electors of said village and receive a majority of the votes of said village, cast at a regular or special election.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1367.]

AN ACT

To authorize the commissioners of Marion county, Ohio, to borrow money and issue bonds for the purpose of erecting permanent improvements upon the Marion county fair grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Marion county, Ohio, be and the same are hereby authorized to issue bonds and borrow money in any sum not exceeding seven thousand dollars, and to levy a tax of one-half mill to pay the same, for the purpose of raising money to erect permanent buildings upon the Marion county fair grounds; provided, that said bonds shall not be issued except by the unanimous consent of the board of county commissioners, which consent shall be taken by yeas and nays and recorded upon the journal of said commissioners.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[House Bill No. 1370.]

AN ACT

To authorize the board of education of the Edgerton school district, Williams county, Ohio, to levy an additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the Edgerton school district, Williams county, Ohio, be and they are hereby authorized to levy annually, for a period of not more than five (5) years, in addition to that already allowed by law, a tax of not more than two (2) mills on each dollar of the assessed value of the taxable property of said Edgerton school district, for the support and maintenance of the public schools thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 27, 1889.

[Senate Bill No. 485.]

AN ACT

For reimbursement of Wm. Powell for part of loss sustained as contractor for school house for Marlboro special school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education in Marlboro special school district, in Marlboro township, Stark county, Ohio, be and they are hereby authorized to reimburse, in part, Wm. Powell, for loss sustained by said Wm. Powell as contractor for the school house constructed by him, in said special school district in said Marlboro township, Stark county, Ohio; and for the purpose of so reimbursing in part said Wm. Powell, said board of education are hereby authorized to issue bonds in the sum of eight hundred dollars, in such denominations as the said board may determine; said bonds to bear interest from date of issue, at a rate not exceeding six per cent per annum, payable annually; said bonds shall not be sold at less than their par-value, and shall be made payable at such time or times as said board may provide, in not less than one year nor more than eight years.

SECTION 2. That for the purpose of paying said bonds, said board of education are hereby authorized and required to levy such tax each year on all the taxable property in said special school district, in addition to the taxes now authorized to be levied, as may be required to pay said bonds as the same become due.

SECTION 3. That before said board of education shall reimburse said Wm. Powell, or issue bonds, as provided in sections one and two of this act, said board of education shall submit to the qualified electors of said Marlboro special school district at an election, ten days' notice of which shall be given before the day of said election, by posting written or printed

notices of such election in at least five different places in said special school district, the question of such reimbursement, in part, of said Wm. Powell as contractor for said school house.

SECTION 4. The voters of said special school district desiring to vote for such reimbursement, in part, of said Wm. Powell, shall have written or printed on their ballots the words: "For reimbursement, in part, of Wm. Powell—Yes;" those desiring to vote against such reimbursement, in part, of Wm. Powell, shall have written or printed on their ballots the words: "For reimbursement, in part, of Wm. Powell—No;" and if a majority of all the votes cast at said election shall be in favor of said reimbursement, in part, of said Wm. Powell, then said board of education of said Marlboro special school district shall reimburse, in part, the said Wm. Powell, as provided in sections one and two of this act.

SECTION 5. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 486.]

AN ACT

To authorize the village of Painesville, Lake county, Ohio, to issue bonds for the purpose of constructing sewers in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Painesville, in the county of Lake, is hereby authorized to issue its bonds in such amounts and at such time or times as the council of said village by ordinance or resolution may determine, not exceeding twenty-five thousand dollars (\$25,000.00), in addition to the amount of bonds heretofore authorized by law, for the purpose of constructing sewers in said village of Painesville. Said bonds shall be sold at a price not less than their par value, either at public sale to the highest and best bidder, or at private sale, in the judgment and discretion of said village council, as it may be, previously to said sale determine by ordinance or resolution, and upon a vote of two-thirds of all the members elected to said council. Said bonds shall be issued in such denominations as said council may by ordinance or resolution direct, shall be redeemable within fifteen years from and after the date when the same are severally issued, in the discretion of said council, and shall bear interest at a rate of not more than six per cent. per annum, payable semi-annually.

SECTION 2. That for the purpose of paying the bonds by this act authorized to be issued, and the interest thereon, as the same mature and become due and payable, power and authority is hereby conferred upon said village by and through its said council, to levy a tax each year upon all the taxable property of said village of Painesville, additional to any and all taxes which said municipal corporation is authorized and empowered to levy and collect under and by virtue of existing law; provided, however, that any and all moneys collected by the authority of said vil-

lage or its council, by means of special assessments upon property abutting on the line of any main or branch sewer, or benefited thereby, which may have been built by funds realized by the sale of bonds authorized by this act, shall be applied only in payment of the bonds which may be issued under the provisions of this act.

SECTION 3. Nothing in this act shall be so construed as to prohibit the transfer and application of any surplus funds raised for the construction of any main or branch sewer in said village, under this or any former act for the construction of sewers therein, not required for the construction of such main or branch sewer or sewers, to the construction and payment therefor of any other or different sewer to be thereafter constructed in said village to complete its sewer system; provided, however, that no such transfer or application of such surplus shall be used in the construction of any such other main or branch sewer, unless authorized by a vote of two-thirds of all the members elected to the council of said village.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 498.]

AN ACT

To authorize the village of South Webster, Ohio, to levy a tax for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of South Webster, Scioto county, Ohio, are hereby authorized and required to levy a tax on all taxable property of said incorporation, not to exceed one hundred dollars, for purchasing land in said incorporated village and to make the same a village cemetery.

SECTION 2. The tax levied by said council under the authority of this act, shall be returned to the auditor of said county and placed on the duplicate of said village and collected as other taxes, and when so collected shall be paid to the treasurer of said village, and by him disbursed for the purpose aforesaid, on the order of said council.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 509.]

AN ACT

To divide Perry township, in the county of Franklin, state of Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Perry, in the county of Franklin, state of Ohio, be and the same is hereby divided into two election precincts, as follows, to-wit: Said division to be made on and along the road known as the "town-house road;" and all of said township lying north of said road shall be designated and known as "North precinct," and the voting place shall be at the village of Elmwood; and all of said township lying south of said road shall be designated and known as the "South precinct," and the voting place shall be at or near Henry Gable's blacksmith shop.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 510.]

AN ACT

To divide Truro township, Franklin county, state of Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Truro township, in Franklin county, state of Ohio, be and the same is hereby divided into two election precincts, as follows, to-wit: The said division for election purposes, shall be on and along the creek known as Big Walnut; and all that part of said township lying west of said Big Walnut creek shall be designated and known as White Hall precinct, and the voting place for said precinct to be at what is known as White Hall; and all that part of said township lying east of said Big Walnut creek shall be designated and known as Reynoldsburg precinct, and the voting place for said precinct shall be at the village of Reynoldsburg.

SECTION 2. This act shall be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 511.]

AN ACT

To authorize the board of education of the special village school district of Niles, Trumbull county, Ohio, to levy an additional tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special village school district of Niles, Trumbull county, Ohio, be and the same is hereby authorized to levy a tax, for the years 1889 and 1890, on all the taxable property within said special school district, not exceeding two mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and continuing the schools in said special school district.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 512.]

AN ACT

To authorize the board of education of Tuscarawas township, Coshocton county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Tuscarawas township, Coshocton county, be and they are hereby authorized to transfer from the tuition fund of said township to the contingent fund thereof, the sum of five hundred dollars. That such transfer may be made in different amounts and at such times as said board of education may by resolution determine.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 522.]

AN ACT

To authorize the village of New Straitsville, Perry county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of New Straitsville, Perry

county, Ohio, be and is hereby authorized and empowered to transfer the sum of six hundred and seventy-five dollars (\$675.00), from the police fund of said village to the street fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 528.]

AN ACT

To authorize the township of Center, in the county of Monroe, Ohio, to issue bonds for the purpose of joining the village of Woodsfield, in purchasing a site and erecting a public hall in the village of Woodsfield, in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Center township, Monroe county, Ohio, be and is hereby authorized and empowered to issue bonds not to exceed in amount two thousand dollars, for the purpose of joining the village of Woodsfield, Monroe county, Ohio, in purchasing a site and erecting a public hall in said village of Woodsfield. Said bonds shall not be sold for less than par, and shall be of such denominations, and bear such rate of interest not exceeding five per cent. per annum, payable semi-annually, and may be made to run for such time as the trustees of said township may provide.

SECTION 2. The bonds mentioned in this act shall not be issued until after the question of levying a tax for the purchase of a site and the erection of a public hall shall have been submitted to the electors of said township, at a general election, and a majority of the votes of the electors voting at said election be cast in favor of the levy of said tax. The ballots of said election shall have printed or written thereon, "Public hall tax—Yes," "Public hall tax—No."

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 529.]

AN ACT

To authorize the village of Woodsfield, Monroe county, Ohio, to issue bonds for the purpose of joining the trustees of Center township, Monroe county, Ohio, in purchasing a site and erecting a public hall in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Woodsfield, Monroe county, Ohio, be and is hereby

authorized and empowered to issue bonds not to exceed in amount forty-five hundred dollars, for the purpose of joining with Center township, Monroe county, Ohio, in purchasing a site and erecting a public hall in said village of Woodsfield. Said bonds shall not be sold for less than par, and shall be of such denominations and bear such rate of interest not exceeding five per cent. per annum, payable semi-annually, and may be made to run for such time as the council of said village may provide by ordinance providing for the issue of such bonds.

SECTION 2. The bonds mentioned in this act shall not be issued until after the question of levying a tax for the purchase of a site and the erection of a public hall shall have been submitted to the electors of said village at a general election, and a majority of the votes of the electors voting at said election be cast in favor of the levy of said tax. The ballots at said election shall have printed or written thereon, "Public hall tax Yes;" "Public hall tax—No."

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 532.]

AN ACT

Supplementary to "an act to authorize the commissioners of Franklin county, Ohio, to construct a bridge and approaches thereto across the Olentangy river," passed the 31st day of January, A. D. 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Franklin county, Ohio, be and they are hereby authorized and empowered to issue and sell the bonds of said county, according to law, in an amount not to exceed the sum of ten thousand dollars in addition to the amount provided for in said original act, passed the 31st day of January, A. D. 1889, to which this act is supplementary, for the purpose of removing the old bridge across the Olentangy river at the foot of Dodridge street, in the city of Columbus (North Columbus), Ohio, and to construct a new bridge on the same site, together with the necessary approaches thereto, and to improve, widen and grade the roadway on each side of said bridge leading to said approaches. Said bonds shall be issued only after the amount provided for in said original act has been exhausted, and as needed during the progress of the work for said improvements in sums not less than five hundred dollars each, bearing interest at the rate of six per cent. per annum, payable semi-annually; and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county, to pay said bonds so issued, as they mature, and the interest thereon, and at such rate and for such length of time as may be necessary for that purpose. And in the exercise of their powers, and the performance of their duties in that

behalf, they shall be governed by the general statutes on that subject, except in so far as their powers and duties are prescribed by this act and the said act to which this is supplementary.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 537.]

AN ACT

To authorize the trustees of Rumley township, Harrison county, Ohio, to invest certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of [the] Rumley township, Harrison county, Ohio, are hereby authorized to invest the proceeds derived from the sale of Steubenville & Indiana railroad bonds in land, and for the improvement of the same, near the village of Jewett, in said township, for agricultural fairs; provided, the amount invested for said purchase and improvement shall not exceed the sum of two thousand five hundred and thirty dollars (\$2,530.00). They may lease the grounds to any district or county agricultural society, for one or more years, and the proceeds derived therefrom shall be paid into the township treasury and placed to the credit of the road fund.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 256.]

AN ACT

To authorize the commissioners of Hamilton county to build a bridge across Millcreek, at Colerain avenue, and to issue the bonds of said county therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, Ohio, be and they are hereby authorized and empowered to build a bridge across Millcreek, at or near

Colerain avenue, in the city of Cincinnati, and to construct the necessary approaches thereto; and for the purpose of raising the money to build said bridge and construct said approaches, said commissioners are hereby empowered to issue the bonds of said county, not to exceed \$40,000, in sums not less than \$100 nor more than \$1,000 each; and said bonds shall be payable at such times as said commissioners may deem most advantageous, not exceeding ten years from the date of their issue, and said commissioners are authorized to negotiate and sell said bonds at not less than their par value; but the interest on said bonds shall not exceed five per cent. per annum.

SECTION 2. Said bonds shall be signed by the commissioners and countersigned by the auditor of said Hamilton county, who shall keep a record of all bonds issued under and by virtue of this act.

SECTION 3. For the purpose of paying the interest and principal of said bonds, said commissioners are hereby authorized and empowered, in addition to the other levies authorized by law, to levy a tax on the grand duplicate of said county, sufficient in amount to pay said interest and principal, and such tax shall be levied and collected in the same manner as other taxes are levied and collected.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 937.]

AN ACT

To authorize the county commissioners of Hamilton county, Ohio, to levy a tax for the purpose of constructing an embankment, or approach, to the east end of the suspension bridge in Whitewater township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized to assess and collect, upon the grand levy of the taxable property of said county, a tax of one thirty-fifth ($\frac{1}{35}$) of a mill on the dollar, which shall be assessed in the year eighteen hundred and eighty-nine (1889), to be applied to the purpose of constructing an embankment, or approach to the east end of the suspension bridge, across the Whitewater river, at what is called Calloway's ford, in Whitewater township, in said county, by raising the present roadway leading to said bridge, from the high ground about one-fourth of a mile east of said bridge, westwardly to the east abutment of said bridge, to such a point as to be above high water of the Whitewater river; provided, the property abutting on the line of the proposed improvement shall furnish free of charge and damages, material necessary to construct the embankment, or approach; and if there should be any surplus remaining, from the tax so levied and collected, after making said embankment, or

approach, such surplus shall be applied to the graveling or metalling of such embankment; provided, that the construction of said embankment, and the graveling or metalling the roadway thereon, shall be done under the supervision of said board of county commissioners.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1252.]

AN ACT

Supplementary to "an act to provide for building an armory, in the county of Hamilton, for the use of the Ohio National Guard, and to create a fund to pay for the same," passed February 15, 1887 (O. L., vol. 84, page 285).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That to provide a fund to pay the cost and expense of furnishing and equipping the Hamilton county armory, the board of commissioners of Hamilton county are hereby authorized and empowered to issue the bonds of the county to an amount not to exceed in the aggregate the sum of fifteen thousand dollars (\$15,000) in addition to the amount heretofore provided for, at the rate of interest, upon the terms and provisions regulating the issue and the payment of the same and the expenditure of the proceeds arising therefrom by and under the direction of the Hamilton county armory trustees, in all respects as provided for in said original act to which this is supplemental.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 986.]

AN ACT

To provide for the appointment of a superintendent of schools in the township of Washington, Lucas county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Washington township, Lucas county, may appoint a superintendent of schools, who, in addition to the duties of school superintendent now prescribed by law, shall visit the schools of said

township, at least one time each month, during their session, and make a full and detailed report of such schools at the regular meetings of said board.

SECTION 2. Said board of education shall have power, for sufficient cause, to dismiss teachers of the schools of the several sub-districts of said township, to be exercised only at any special or regular meeting of said board.

SECTION 3. The question of the appointment of said superintendent shall first be submitted to a vote of the qualified electors of said township, at the next ensuing election for township officers, and for this purpose the electors shall have written or printed on their ballots, "For school superintendent—Yes;" or, "For school superintendent—No." And if a majority of the electors of said township shall vote yes, then said board of education shall appoint a school superintendent at the next regular meeting, and not otherwise.

SECTION 4. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1257.]

AN ACT

To authorize trustees of Baptist Church, West Lafayette, Ohio, to sell certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Baptist Church of West Lafayette, Ohio, are hereby authorized and empowered to sell, either at public or private sale, certain real estate conveyed to the trustees of said church, or their successors, by deed dated the 18th day of Sept., 1845, by Henry Johnson and Clarinda Johnson.

SECTION 2. This act to take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1322.]

AN ACT

To authorize the council of the incorporated village of Berea, Cuyahoga county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Berea, Cuyahoga county,

Ohio, be and is hereby authorized to transfer an amount not exceeding three hundred dollars from the road fund to the general fund of said village.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[House Bill No. 1365.]

AN ACT

To authorize the commissioners of Wyandot county, Ohio, to levy a tax and issue bonds in payment of county scrip issued to volunteers in the late rebellion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Wyandot county, be and they are hereby authorized to issue to each volunteer who has heretofore been credited to said county, or some township thereof, under any requisition of the President of the United States for volunteers during the late war of the rebellion, and who has received from said county in settlement of a bounty promised for said credit, a certificate, scrip or promise to pay, which certificate, scrip or promise to pay has not been paid for want of authority by the legislature authorizing the levy of a tax, or for any other reason; and such certificate, scrip or promise to pay has not, by such volunteer, been sold or assigned, a warrant for the amount of such certificate, scrip or promise to pay, together with interest thereon from the date thereof, or a bond for a like sum, bearing six per cent. interest, redeemable at the pleasure of said commissioners, not longer than one year after the date thereof. And in case of the death of such volunteer, said bond or warrant shall be issued to his legal representatives.

SECTION 2. Said bonds, when so issued by said commissioners, shall be signed by them and countersigned by the auditor of said county, and as soon as practicable delivered to said volunteer, or the person authorized to receive the same.

SECTION 3. For the purpose of paying said bonds or warrants, the said commissioners shall levy such tax upon the taxable property of said county as may be required to pay the same and interest thereon; said levy shall be entered upon the duplicate and collected as other taxes, and the money raised thereby shall be applied only in payment of said bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 28, 1889.

[Senate Bill No. 525.]

AN ACT

To authorize the village of Reading, Hamilton county, Ohio, to issue and sell the bonds of the village for the purpose of purchasing a suitable site, and erecting thereon a building containing a town hall, and offices for the officers of the corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Reading, in the county of Hamilton, be and the said council is hereby authorized to issue the bonds of the said village, not exceeding in amount \$17,000.00, to sell the same and use the proceeds thereof in purchasing a suitable site, and erecting thereon a building containing a town hall, and offices for the officers of the corporation.

SECTION 2. Said bonds shall be issued in such an amount not exceeding \$17,000.00, in such denominations, and payable at such time or times as said council shall determine. They shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof; said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be authenticated by the seal thereof.

SECTION 3. For the payment of said bonds and interest thereon, said council shall levy a tax, and in addition to the amount otherwise authorized by law, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due that year and the accruing interest.

SECTION 4. When the total amount of said bonds so to be issued in pursuance hereof shall have been determined by said council, and before any bonds are issued or tax levied, as provided by this act, the question of issuing the bonds shall be submitted to the qualified electors of said village, at an election to be held at such time after the passage of this act, as the council may determine, and ten (10) days' notice of said election and submission shall be given by the mayor of said village, by posting said notice in at least five (5) of the most public places in said village; said notices shall state the amount of the bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if the majority of the electors voting at such election, upon the question of issuing the bonds, vote in favor thereof, then the bonds may be issued and the tax levied. Those voting in favor of the proposition shall have written or printed on their ballots the words: "For the issue of bonds;" and those voting against the same, the words, "Against the issue of bonds."

SECTION 5. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections; and the clerks and judges of said election shall certify to the council of said village the result of the same. If a majority of the electors voting at said election, as provided for in section 4 of this act, vote in favor of said proposition, the council shall proceed to advertise and sell said bonds, in the manner as provided for by law, for the sale of municipal bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 547.]

AN ACT

To amend an act entitled "an act to authorize the council of the city of Warren, Trumbull county, Ohio, to borrow money and issue bonds for the construction of a main sewer," passed February 19, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* "an act to authorize the council of the city of Warren, Trumbull county, Ohio, to borrow money and issue bonds for the construction of a main sewer," passed February 19, 1889, be amended so as to read as follows:

SECTION 2. The council of the city of Warren, Ohio, be and hereby is authorized to borrow not exceeding \$25,000, for the purpose of constructing main sewers, from such point or points in said city, and to terminate at such point in the Mahoning river, as said council may by resolution determine; and said council is hereby authorized to issue the bonds of said city for the money so borrowed.

SECTION 3. Said bonds shall have plainly written or printed on their face, Warren city sewer bonds; shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, shall be made payable at the office of the treasurer of said city, shall mature at such times, not exceeding ten years, as said council shall determine, and shall not be sold for less than their par value.

SECTION 4. Said council is hereby authorized to levy such amount of tax, upon all the taxable property of said city, as may be necessary to pay the principal and interest of such bonds, when the same become due.

SECTION 5. After the course and termination of such sewers shall be determined upon by said council, it shall cause plans and specifications thereof to be made, together with a map of the same, and an estimate of the cost, and shall appoint three competent persons to estimate and report what amount shall be charged and assessed to each lot or parcel of land afforded local sewerage by the construction of such main sewer.

SECTION 6. The cost of such main sewer shall be paid in the manner following: So much thereof as would be equal to the cost of a local sewer for each lot or parcel of land not provided with local sewerage by public sewers already constructed, but provided with local sewerage by the construction of such main sewer, as estimated under the provisions of section five of this act, and the general laws for such purpose, shall be assessed upon each lot and parcel of land in the manner now provided by law, and the remainder of the cost of such main sewer shall be assessed and collected upon all the taxable property of said city, in the same manner as taxes for general purposes, and levied and collected in such amounts as will meet and pay the cost thereof, or the bonds issued therefor, and interest; provided, that no lot or parcel of land previously assessed for its local sewerage, and then paid and provided with such local sewerage, shall again be assessed for local sewerage, or any sewerage other than the general assessment.

SECTION 7. The question of the propriety of constructing any main sewer or sewers, plans, specifications, maps, and estimates of which shall have been made and submitted to public inspection, shall first be submitted to the electors of said city, at an election called for that purpose by said council, of which at least ten days' notice shall be given in some news-

paper of general circulation in said city, and said notice shall be published at least twice, if in a weekly paper, and at least five times if in a daily paper. Such election shall be held at the usual place of holding elections, and conducted as other elections. The ballots shall have written or printed thereon, "Bonding city for sewers—Yes;" or, "Bonding city for sewers—No." If at said election a majority of those voting on the question, vote "yes," the council shall at once proceed to construct such sewer, make assessments, and if necessary, issue bonds therefor; but if otherwise, not.

SECTION 8. Said original act is hereby repealed; and this act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 549.]

AN ACT

To authorize the trustees of Rush township, Champaign county, to control and regulate the flow of water from artesian or flowing wells.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Rush township, Champaign county, are hereby authorized and empowered, and, upon the filing of a petition with the township clerk, signed by at least five persons, residents of the township and owners of artesian or flowing wells, setting forth the necessity thereof, they are required to make and enforce such regulations as will prevent the unnecessary waste of water from such wells, by requiring owners to attach reducers to the pipes through which the water goes to waste, or in any other way by which the flow of said wells may be regulated.

SECTION 2. It shall be the duty of the township clerk of the said township, upon the filing in his office of the petition mentioned in the first section of this act, to forthwith notify the trustees of such action, and the trustees shall then proceed to make and enforce such regulations as may be just and proper, and conformable to the provisions of this act.

SECTION 3. Any person the owner of an artesian or flowing well, or occupying any property, either by lease or otherwise, where such well is situated, neglecting or refusing to comply with such regulations as may be prescribed by the trustees, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace of said township, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars, to be paid into the general expense fund of the township.

SECTION 4. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 526.]

AN ACT

To authorize the trustees of Benton township, Paulding county, Ohio, to borrow money, purchase lands for a cemetery and place the same in proper condition for such purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Benton township, Paulding county, Ohio, are hereby authorized to borrow any sum of money, not to exceed one thousand (\$1,000.00) dollars, for the purpose of purchasing lands, laying out the same and putting in proper condition for cemetery purposes for the said township. The said trustees may issue the township bonds for the same, which shall be advertised and sold as provided by law, and may levy on the tax duplicate of said township, in addition to the levy now authorized, a sufficient amount to pay the interest and principal on said bonds as they may become due; provided, however, that the total amount for which said bonds may be issued shall not exceed one thousand dollars, and the said bonds shall be due in not longer than ten years from the date of their issue.

~~Sec~~ SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 671.]

AN ACT

To authorize the board of county commissioners of Fairfield county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Fairfield county, Ohio, be and are hereby authorized to transfer from the dog tax fund to the building fund of said county the surplus in excess of one thousand (\$1,000.00) dollars of said dog tax fund in the county treasury of said county.

SECTION 2. The said board of commissioners are likewise hereby authorized and empowered to transfer from the dog tax fund of said county to the building fund thereof, in each year for the next succeeding four years, the surplus of said dog tax fund in excess of one thousand (\$1,000.00) dollars, that may accumulate each year within that time.

SECTION 3. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1200.]

AN ACT

To authorize the village of new Bremen, in Auglaize county, Ohio, to borrow money and issue its bonds therefor, for the purpose of encouraging manufacturing enterprises in said village, by furnishing a site or natural gas free.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of new Bremen, Auglaize county, Ohio, be and it hereby is authorized to issue its bonds for an amount not exceeding ten thousand dollars, for the purpose of encouraging manufacturing enterprises in said village, by furnishing a site or natural gas free, either by drilling wells or contracting with any company now furnishing the citizens of said village with natural gas.

SECTION 2. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village at a special election to be held at such time as the council of such village shall appoint. The tickets voted shall have written or printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds ($\frac{2}{3}$) of those voting upon the proposition, the village shall have authority to issue such bonds for the purpose provided in this act.

SECTION 3. The council of such village, within ninety days after the passage of this act, shall publish notice of the submission of such question in the village newspapers, for at least ten days prior to such election; and such election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in such village.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of such village, in denominations not less than one hundred dollars nor more than five hundred dollars, payable in such times, not exceeding ten years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine; they shall express upon their face the purpose for which, and the act under which issued, and shall be signed by the mayor, and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 5. The council of such village is hereby authorized to levy a tax, annually, not exceeding 5 mills on the taxable property within such village, in addition to the tax now by law authorized to be levied, in such an amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds; provided, that the money so raised shall not be used for any other purpose than paying said bonds and the interest thereon.

SECTION 6. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1238.]

AN ACT

To authorize the commissioners of Muskingum county, Ohio, to build a bridge across the Muskingum river, and to repeal an act passed April 4, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Muskingum county, Ohio, be and are hereby authorized and empowered to build a double track bridge across the Muskingum river, at such point on said river in the city of Zanesville, in the vicinity of Underwood or Monroe streets, as the county commissioners may determine, in said county, to a point on the opposite side of said river, at a cost not exceeding thirty-five thousand (\$35,000) dollars; all contracts for erecting the same shall be let according to law; provided, however, before said commissioners shall build said bridge, they must obtain the consent of the proper United States authorities to erect the same across said river.

SECTION 2. For the purpose of paying for the construction of the same, the commissioners are hereby authorized to issue bonds of the county at a rate of interest not exceeding six per cent. per annum, interest payable semi-annually; said bonds to be paid within ten years of the date thereof, at the discretion of the commissioners, and the same shall be issued, signed, and sold according to law.

SECTION 3. For the purpose of paying the bonds and the interest thereon, as the same become due and payable, the commissioners are hereby required to levy, annually, on all taxable property within the county a sum sufficient to pay the same, in addition to all other taxes authorized by law.

SECTION 4. That an act entitled "an act to authorize the commissioners of Muskingum county, Ohio, to build a bridge across the Muskingum river," passed April 4, 1888, is hereby repealed; and this act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1312.]

AN ACT

To authorize the sale of certain public lands in the village of Jefferson, Ashtabula county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the mayor and council of the incorporated village of Jefferson, in the county of Ashtabula, state of Ohio, are hereby authorized to sell, at private sale, and to convey by deed, to be executed by the mayor, by the order of the council, the public squares in said village, situated at the southeast and southwest corners of the intersection of Jefferson and Chestnut streets in

said village; provided, that said sale shall not be made until after the written consent of the owners of adjacent lands have been obtained that said sale may be made, and such consent when so obtained shall be recorded in the records of the proceedings of the mayor and council of said village.

SECTION 2. The proceeds arising from such sales shall be paid to the treasurer of said village, to be used for the improvement of the village under the direction of the mayor and council thereof.

SECTION 3. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1332.]

AN ACT

To authorize the county commissioners of Henry county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Henry county, Ohio, be and are hereby authorized to transfer, permanently, from the surplus poor fund of said county to the general county fund of said county, the sum of two thousand dollars (\$2,000).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1340.]

AN ACT

To amend section one of an act passed March 9, 1882, entitled "an act to create a special school district in certain townships in Montgomery county."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act passed March 9, 1882, entitled "an act to create a special school district in certain townships in Montgomery county," is hereby amended to read as follows:

Sec. 1. That the territory in the county of Montgomery, in the townships of Van Buren and Mad River, described as follows, to-wit: The territory in Van Buren township bounded by beginning at the northwest corner of section 14, town. 2, R. 7, M. R. on the township line; thence running south on section line to half section line of section 14;

thence east to the Greene county line; thence south to the Shakertown pike leading from Dayton; thence westward with the center of said pike to its intersection with the west line of the tract of land in section 13, belonging to Shaker society; thence south on said west line to the southwest corner of said tract; thence west on half section line of sections 13 and 19 to the middle corner of section 19; thence south on half section line about 80 rods; thence west on a line parallel with the south lines of sections 19 and 25, to the half section of section 25; thence north to the middle of section 25; thence west on half section line to the southeast corner of Charles Fauver's 42 acre tract; thence north with said Fauver's east line to the southeast corner of J. S. Wead's 105 acre tract; thence north with said Wead's east line, direct to Frederick Schutte's south line; thence west with F. Schutte's and P. Steffen's south lines to the half section line of section 32; thence north to the township line; thence with the township line east to the place of beginning; and also, the following described tract, situated in Mad River township, bounded by beginning at the half section corner on the south line of section 33 on township line; thence running north on half section line to the middle corner of section 33; thence east on half section lines of sections 33 and 27 to its intersection with the corporation line of the city of Dayton, running north and south; thence north with said corporation line to the center of the Dayton and Xenia pike; thence with said pike south-eastwardly to section line between sections 27 and 28; thence east with said section line to the center of the Smithville road; thence south with said road to the center of the Dayton and Xenia pike; thence east with the center of said pike to the point of its intersection with the half section line of [section] 21, town. 2, R. 7; thence south on half section line to the township line; thence west on the township line to the place of beginning—be and the same is hereby created and constituted a special school district, to be known as special school district No. 8, Van Buren and Mad River townships.

~~SECTION 2.~~ Said original section one of the act aforesaid be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[House Bill No. 1346.]

AN ACT

To authorize the trustees of Somers township, Preble county, Ohio, to donate to the commissioners of said county sixteen hundred dollars, to repair the Eaton and Somerville improved road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of Somers township, Preble county, Ohio, be and they are authorized and empowered to donate to the commissioners of said county of Preble, the sum of sixteen hundred dollars, which has been collected

by them from the citizens of said township, for the purpose of repairing the washout of the road bed of the Eaton and Somerville improved road, at a point where said road crosses Seven Mile creek in said township, near the southern boundary line of said county of Preble.

SECTION 2. Said county commissioners shall use said money so donated to them as aforesaid in constructing said road at said washout as the same is now, or may hereafter be re-located by said commissioners, and for no other purpose whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 2, 1889.

[Senate Bill No. 324.]

AN ACT

To sub-divide Lemon township, of Butler county, Ohio, into election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Lemon, in Butler county, and state of Ohio, be and the same is hereby divided into four election precincts, as follows:

1st. All that part of Lemon township bounded and described thus: Beginning on the county line dividing Butler and Warren counties, at a point being the northeast corner of section number seven; and thence west on the section line dividing sections Nos. 7 and 8, and 13 and 14; thence south on section line dividing sections 13 and 19; thence west on the Ludlow line to the great Miami river; thence south-westwardly along the Miami river to the township line dividing Lemon and Liberty townships; thence eastward on the township line to the county line of Butler county; thence north on the county line to the beginning; and it shall be known as the Monroe election precinct, and the inhabitants thereof shall vote at the town of Monroe, in said precinct.

2d. All that part of Lemon township bounded and described thus: Beginning on the county line dividing the counties of Butler and Warren, at a point being the northeast corner of section number seven; thence west on the section line dividing sections 7 and 8, and 13 and 14; thence south on the section line dividing sections 13 and 19; thence west on Ludlow's line to the great Miami river; thence northwardly along the great Miami river to the southwest corner of the corporation line of the city of Middletown; thence east on the south side of said city to the Yankee road; thence south-eastwardly on the Yankee road, to the northeast corner of section No. 26; thence eastwardly on the Warren county canal road to the Butler and Warren county line; thence south on the county line, to the northeast corner of section No. 7, and shall be known as the Amanda precinct, and the inhabitants thereof shall vote at the town of Amanda, in said precinct.

3d. All that part of Lemon township bounded and described thus:

Beginning on the county line dividing Butler and Warren counties, at the northeast corner of section number 8; thence north on the county line to the northeast corner of section number 12, at the great Miami river; thence south-westwardly along the great Miami river, to the northwest corner of the corporation line of the city of Middletown; thence eastwardly along the north corporation line to the east corporation line of the city; thence southwardly on the east corporation line of the city, to the southeast corner of the corporation limits of said city; thence westwardly on the south corporation line of the city to the Yankee road; thence south-eastwardly on the Yankee road to the northeast corner of section number 26; thence eastwardly on the Warren county canal road to the county line, and shall be known as the North election precinct of Lemon township, and the inhabitants thereof shall vote at some suitable place in sections Nos. 21 or 22, as shall be determined upon by the trustees of said township of Lemon.

4th. All that part of Lemon township lying and being within the corporation limits of the city of Middletown shall be known as the Middletown precinct, and there shall be one voting place in each and every ward therein, and the inhabitants of each ward shall vote at the places designated in each ward thereof, at all elections required by law.

SECTION 2. The trustees of the township shall be judges of election in the precinct in which he may be an inhabitant. And in cases where an additional judge or judges, or clerk or clerks shall be necessary to hold an election in any precinct, or at any place of voting therein, such additional judge, or judges and clerks, shall be elected by the electors present viva voce, and the judges and clerks shall make oath as required by law, before entering upon the discharge of their duties, and each shall receive the same compensation as provided by law for judges and clerks of elections; and all elections in each precinct shall be conducted in all respects as required by the laws of the state of Ohio.

SECTION 3. That no township assessor shall be elected for the precinct of Middletown other than the assessors by wards in the city of Middletown, at the municipal election held on the first Monday of April, annually.

SECTION 4. An act entitled an act to sub-divide the north election precinct of Lemon township, Butler county, Ohio, passed April 1, A. D. 1885, O. L., vol. 82, page 338, be and the same is hereby repealed; and all other laws and acts sub-dividing Lemon township into voting precincts be and the same are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 521.]

AN ACT

Supplementary to an act entitled "an act to provide for the erection of bridges over Mill creek and the Cincinnati, Hamilton & Dayton railroad, in Hamilton county," passed May 4, 1877 (O. L., vol. 74, p. 503, as amended, O. L., vol. 77, p. 369, and O. L., vol. 84, p. 356).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,*
That the following be enacted as supplementary to the act of May 4, 1877

(O. L., volume 74, page 503, as amended, O. L., volume 77, page 369, and O. L., volume 84, page 356).

SECTION 2. The board of county commissioners of Hamilton county, Ohio, is hereby authorized and shall have full power, anything in any enactment to the contrary notwithstanding, to construct and extend the improvement provided for in the act of May 4th, 1877 (O. L., volume 74, page 503), and the acts amendatory thereof, by constructing a bridge over the railroad tracks and other railroad property on the eastern side of Mill creek, at Liberty street, in the city of Cincinnati, and to further continue the necessary trestle work on said street between Garrard avenue and State avenue such distance as may be necessary to make proper approaches and connections for said improvement; to enable which to be done and to pay the cost of the same, the board of public affairs of the city of Cincinnati, Ohio, is hereby authorized and directed to cause to be issued bonds of the said city of Cincinnati, Ohio, in the sum of sixty-eight thousand dollars (\$68,000), bearing interest at a rate not exceeding 4 per centum per annum, interest payable semi-annually, said bonds being payable fifty years after date, or in thirty years after date, at the option of the board of trustees of the sinking fund of said city; said interest and the principal of said bonds being payable out of the sinking fund of said city.

SECTION 3. The proceeds of said bonds shall be paid into the county treasury upon the order of the board of public affairs of said city, and so much of said proceeds as may be necessary shall be expended in making said improvement upon the orders of the board of commissioners of said county, after the fund otherwise provided for said improvement shall have been exhausted. Upon the completion of said improvement and the extension thereof provided for herein, any unexpended remainder of the said fund received as the proceeds of said bonds of the city of Cincinnati, shall be returned to the city treasurer by order of the said board of county commissioners, and shall be placed to the credit of the sinking fund of said city.

SECTION 4. This act shall take effect and be in force from [and] after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[Senate Bill No. 553.]

AN ACT

To change the name of Martha E. Shaw.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Martha E. Shaw, a resident of Shelby county, Ohio, be and the same is hereby changed to that of Martha E. Black.

SECTION 2. That said change shall in no way affect the rights, privileges, and liabilities of said person.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1048.]

AN ACT

To authorize the commissioners of Morrow county, Ohio, to transfer a certain sum from the dog fund of said county to the use of the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the commissioners of Morrow county, Ohio, be and they are hereby authorized to transfer to the agricultural society of said county the sum of twenty-five hundred (\$2,500.00) dollars out of any money in the county treasury to the credit of the dog fund of said county. The said funds so transferred to be used by the said society in the payment of the indebtedness of said agricultural society, occasioned by the purchase of grounds and improving the same.

SECTION 2. Provided, however, [that before] the said commissioners shall be authorized to act, as provided for in section one of this act, they shall submit the question of such transfer of money to the qualified electors of said Morrow county, at some annual or special election, due notice of which shall be given for two consecutive weeks by publication in two newspapers of opposite political parties and general circulation throughout the county. At the said election the electors voting in favor of the proposition shall have written or printed on their ballots the words: "For transfer of dog fund—Yes;" those voting against said transfer shall have written or printed on their ballots the words: "For transfer of dog fund—No." If, at said election, a majority of the votes cast on said proposition be in favor of said transfer, then and only then shall the commissioners be empowered to transfer the fund provided for in said section one of this act.

SECTION 3. This act shall be in force and take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1189.]

AN ACT

To authorize the village of Ottawa, Putnam county, to borrow money and issue its bonds therefor, for the purpose of sinking wells for natural gas, purchasing and laying pipes, and supplying said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Ottawa, Putnam county, Ohio, be and it hereby is authorized to issue its bonds for an amount not exceeding twenty-five thousand dollars (\$25,000), for the purpose of leasing or purchasing the necessary gas lands, sinking wells thereon for natural gas, purchasing and laying pipes, and constructing the necessary buildings, fixtures and machinery to supply such village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 2. Before such bonds or any of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village, at a special election, to be held at such time as the council of such village shall appoint. The tickets voted shall have written or printed thereon the words, "Authority to issue gas bonds—Yes;" or, "Authority to issue gas bonds—No." If the proposition to issue bonds be approved by a two-thirds majority of those voting upon the proposition, the village shall have authority to issue such bonds for the purpose named, as provided in this act.

SECTION 3. The council of such village, within 60 days after the passage of this act, shall publish notice of the submission of such question in some newspaper published in such village, for at least ten days prior to such election, and such election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in such village.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of such village in denominations not less than one hundred or more than five hundred dollars, payable in such times, not exceeding twenty years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine. They shall express upon their face the purpose for which, and the act under which issued, and shall be signed by the mayor, and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for, and required by the actual and necessary cost and expense of acquiring sufficient gas territory, sinking such number of wells thereon as may be required for the purpose named, the purchase and laying of pipes and other necessary expenses; they shall be sold from time to time as the works progress, and in such amounts as shall be required and made necessary by the progress, and for the proper completion of the works; and all proceeds and moneys arising from such bonds shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary for the supply of gas for the purpose aforesaid.

SECTION 6. All moneys collected or received by the trustees of gas works of such village, from the village or the citizens thereof, for gas furnished or consumed for public and private use, and all net income, revenue and profits arising therefrom, shall be pledged and applied to the payment

of such bonds and interest; and the council of such village is hereby authorized to levy a tax annually, not exceeding 4 mills on the taxable property within such village, in addition to the tax now authorized by law to be levied, in such amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual extinguishment of such bonds.

SECTION 7. All moneys so applicable to the payment of such bonds, which shall come into the hands of such board of trustees before such bonds, or any of them become due, shall be used to purchase such bonds, or invested under the order of the council as a sinking fund, to be applied to the payment of such bonds as they become due.

SECTION 8. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1208.]

AN ACT

To divide Ross township, Butler county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Ross township, Butler county, Ohio, be divided into two election precincts, and said two election precincts shall be known as the north and south precincts of said township, and shall be divided by the following line, to-wit: Beginning at the middle of the western line of section 18, in Ross township; thence due east through the middle of sections 18, 17, 16 and 15, to the eastern line of section 15; thence north to the northwest corner of the lands of the late John Riley; thence east through sections 14 and 13 to the eastern line of said Ross township.

SECTION 2. This act shall take effect and be in full force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1228.]

AN ACT

To authorize the council of the incorporated village of Logan, Ohio, to issue bonds and levy a tax for the purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Logan, Hocking county, Ohio, are hereby authorized to issue the bonds of said village in an amount

not to exceed the sum of five thousand and five hundred dollars (\$5,500), to bear interest not to exceed the rate of six per cent. per annum, payable semi-annually, for the following purposes: For macadamizing Gallagher avenue from the bridge across the Hocking canal, to the depot of the Columbus, Hocking Valley and Toledo Railway Company, the sum of two thousand dollars; for constructing a bridge across the Hocking canal at the point where Front street of said village crosses said canal, the sum of two thousand dollars; and for the purchase of lot No. 169 of said incorporated village in order to widen and extend Orchard street thereof, the sum of fifteen hundred dollars. Said bonds shall be payable five hundred dollars each year after their issue, and shall not be sold for less than their par value; and said bonds shall be signed by the mayor and clerk of said village.

SECTION 2. For the purpose of raising the money to pay said bonds, and the interest thereon, as they mature, said council is hereby authorized to levy a tax sufficient to meet the same, in addition to the taxes now authorized by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed April 3, 1889.

[House Bill No. 1254.]

AN ACT

To authorize the trustees of Orange township, Hancock county, Ohio, to levy a tax to construct gravel or macadamized roads, pikes and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Orange township, in Hancock county, aforesaid, be and they are hereby authorized and empowered to assess and levy upon all the taxable property of said township, a tax not exceeding three mills upon the dollar of the valuation of all said taxable property, in any one year, in addition to the amount of taxes now authorized by law, for the purpose of constructing, graveling, macadamizing and piking roads and highways in said township, and for no other purpose whatever.

SECTION 2. That said trustees are further authorized and empowered to assess and levy a tax of two mills additional to said three mills named in the foregoing section on all the taxable property along each side and within half a mile of any pike which said township trustees may order to be constructed in said township, for the purpose of constructing such pike on the line designated by said township trustees; and the proceeds derived by said additional levy of two mills as aforesaid shall be used in constructing said pike for which said assessment and levy are made on said designated line, and for no other purpose whatever, and nothing in this act shall be construed to empower the trustees of said township to assess or levy any tax beyond or outside of the boundaries of said Orange township.

SECTION 3. The question of levying said tax and of constructing said roads and highways shall be submitted to a vote of the qualified electors of said township, at the regular spring election on the first Monday of April, 1889. The tickets voted at said election shall have written or printed thereon the words, "Taxation for road improvements—Yes;" or, "Taxation for road improvements—No;" and a majority vote in favor of such taxation shall authorize the levying of said tax and constructing, graveling, macadamizing and piking of said roads and highways.

SECTION 4. Said tax hereby authorized shall be placed upon the grand duplicate of the county auditor of Hancock county aforesaid, and shall be collected as other taxes upon said tax duplicate are collected, and shall be paid in money, and shall be a township road fund, in said township, under the direction, control and application of the trustees of said township, and shall be by them applied toward constructing gravel, macadamized or piked roads and highways in said township, or both gravel and macadamized roads or pikes and highways, as may be adjudged best by said trustees; provided, that no assessment or levy for said purpose shall be made under the provisions of this act after the year (1900) nineteen hundred.

SECTION 5. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1258.]

AN ACT

To repeal an act entitled "an act to authorize the commissioners of Harrison county to improve the public roads of said county," passed March 8, 1887.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above entitled act, passed March 8, 1887 (vol. 84, p. 330), be and the same is hereby repealed.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1262.]

AN ACT

To authorize the commissioners of Muskingum county, Ohio, to build a bridge across the Muskingum river, and to repeal an act passed March 8, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Muskingum county, Ohio, be and

are hereby authorized and empowered to build a double track bridge across the Muskingum river from a point on the farm of Wm. Frazier, in Brush Creek township, on the west side of the river, to a point on the opposite side of said river in Wayne township, on the farm of Wm. Early, at a cost not exceeding fifty thousand (\$50,000) dollars; all contracts for erecting the same shall be let according to law; provided, however, before said commissioners shall build said bridge, they must obtain the consent of the proper United States authorities to erect the same across said river.

SECTION 2. For the purpose of paying for the construction of the same, the commissioners are hereby authorized to issue the bonds of the county at a rate of interest not exceeding six per cent. per annum, interest payable semi-annually; said bonds to be paid within ten years of the date thereof, at the discretion of the commissioners, and the same shall be issued, signed and sold according to law.

SECTION 3. For the purpose of paying the bonds and the interest thereon as the same become due and payable, the commissioners are hereby required to levy annually on all taxable property within the county, a sum sufficient to pay the same, in addition to all other taxes authorized by law.

SECTION 4. That an act entitled "an act to authorize the commissioners of Muskingum county, Ohio, to build a bridge across the Muskingum river," passed March 8, 1888, is hereby repealed; and this act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1263.]

AN ACT

To authorize the council of the incorporated village of Taylorsville, Muskingum county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Taylorsville, Muskingum county, Ohio, be and are hereby authorized to transfer the following funds, viz: \$125.00 from the corporation fund to the street and alley fund; \$25.00 from building fund to street and alley fund; \$50.00 from building fund to water supply fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1284.]

AN ACT

To authorize the commissioners of Clermont county to construct certain free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county, Ohio, be and they are hereby authorized to construct the following free turnpike roads, to-wit: Beginning at a point in the Lindale and Nicholsville free pike near the residence of John Donham; thence in a southerly direction with the old road (known as the Laurel road), as nearly as practicable, crossing Twelve Mile creek at the new iron bridge near the residence of Jacob Grouse; thence with said road, as nearly as practicable, to intersect the New Richmond and Nicholsville free pike at a point near the residence of Sarah Light. One beginning near the residence of Williams' corner, on the Boston free turnpike road, to the Milford and Chillicothe free pike, commencing near the late residence of Charles Williams, deceased, on said Williams' corner and Boston free pike, in Clermont county, Ohio, and ending at Stonelick post office, on said Milford and Chillicothe free pike, following, as near as practicable, the old road bed, by the way of Craver's post office. One commencing in the county road leading from Newtown, in Hamilton county, to Perrins' Mills, in Clermont county, at the intersection therewith of the Milford road at south Milford station on the O. & N. W. R. R.; thence eastwardly on said Perrintown road to the Mount Carmel road at A. F. Queal's residence, and thence a southerly course along or near the public road or roads to the Batavia and Union bridge turnpike at Mount Carmel, and may locate and establish the same in whole or in part upon any road heretofore established or laid out, and may adopt the same at its present width, or may widen and enlarge the same, and may settle directly with land-owners any question of damage or compensation arising by reason of their acts.

SECTION 2. Said commissioners may issue bonds for the construction of said roads, if they deem best; provided, the same shall not bear interest at a greater rate than six per cent. per annum, nor be sold for less than par. And said commissioners may levy a tax upon all the property in said county, in addition to that now allowed by law, to build said pike, or to meet the payment of said bonds, if any be issued.

SECTION 3. Before proceeding to construct said roads, said commissioners may require and secure from those interested in said roads, a subscription or donation of twenty per centum of the cost thereof, to be used in their construction.

SECTION 4. That a majority of said board of commissioners shall be necessary at any regular session to agree upon specifications and order said improvements, or any part thereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1326.]

AN ACT

To divide Walnut township, Fairfield county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Walnut township, Fairfield county, Ohio, be divided into two election precincts, and said two election precincts shall be known as the Millersport and Hadley Junction precincts, and shall be divided by the following line, to-wit: Beginning at the west line of said township at the south-west corner of section seven and running east on the south line of sections seven, eight, nine, ten, eleven and twelve to the east line of said township.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1334.]

AN ACT

To authorize the council of the village of Holgate, Henry county, Ohio, to borrow money and issue bonds therefor, for the purpose of procuring territory, sinking wells for natural gas, purchasing and laying pipes, and supplying said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Holgate, Henry county, Ohio, be and is hereby authorized to issue bonds for an amount not exceeding five thousand dollars (\$5,000), for the purpose of leasing or purchasing the necessary lands, sinking wells thereon for natural gas, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery to supply said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 2. Before said bonds shall be issued, the question of issuing them shall be submitted to a vote of the qualified electors of said village, at a special election, to be held at such time as the council of said village may appoint. The tickets voted shall have written or printed thereon the words, "Authority to issue gas bonds—Yes;" or, "Authority to issue gas bonds—No." If the proposition to issue bonds be approved by two-thirds of the qualified electors of said village voting at said election, the council shall have authority to issue said bonds for the purpose named as provided in this act.

SECTION 3. The council of said village, within six months after the passage of this act, and at least ten days prior to said election, shall publish notice of the submission of such question in a newspaper published in said village, and said election shall be held in all respects not otherwise herein

provided as municipal elections are now required by law to be held in said village.

SECTION 4. Said bonds shall be issued by the council of said village in denominations not less than one hundred nor more than five hundred dollars, payable at such times, not exceeding ten years, as the council may determine, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may direct. Said bonds shall express on their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of said village, and shall not be sold for less than their face value.

SECTION 5. The council of said village is hereby authorized to levy a tax annually in such amount as will be sufficient to pay the principal and interest falling due on said bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1360.]

AN ACT

Authorizing the city of Piqua to borrow money and issue bonds for the purpose of making certain improvements therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Piqua be and said council is hereby authorized to issue bonds in any sum not exceeding sixty-five thousand dollars, in denominations not exceeding one thousand dollars each, bearing interest not to exceed six per cent. per annum, payable semi-annually, to be designated as improvement bonds, and to be payable in not less than ten nor more than twenty years from their date, as the city council may determine. The purposes for which said bonds are authorized to be issued is [are] to pay expenses in extending the corporate limits of said city, opening, widening and extending streets and alleys, and improving, repairing and lighting the same, the extension of water mains, the construction of sewers, and the appropriation, purchase, and improvement of real estate for the use of the corporation.

SECTION 2. Said bonds shall be sold for not less than their par value, and the proceeds thereof shall be placed in the city treasury, and shall be paid out upon the appropriation and order of the city council for the purposes aforesaid.

SECTION 3. The city council of said city of Piqua shall levy, annually, on all property in said city, a tax sufficient in rate and amount to pay the accruing interest on such bonds, and to provide a sinking fund to pay said bonds at maturity, and such levy may be additional in rate and amount to the taxes authorized by law to be levied for any and all purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1363.]

AN ACT

To authorize the trustees of Riley township, Putnam county, Ohio, to expend upon the public roads of said township, the surplus of money which has accrued from the levy authorized by the act of April 13, 1880 (77 O. L., page 393).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That [the] trustees of Riley township, in Putnam county, Ohio, be and they are hereby authorized and empowered to expend, in the improvement and repair of any of the public roads of said township, the surplus of money accrued, and now on hand, from the four-mill levy authorized by the act of April 13th, 1880 (O. L., vol. 77, page 393).

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No 1372.]

AN ACT

To authorize the council of the village of New Philadelphia, Tuscarawas county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of New Philadelphia, Tuscarawas county, Ohio, be and the same are hereby authorized and empowered to transfer (\$1,200.00) one thousand two hundred dollars from the police fund, as follows: one thousand dollars of said fund to the general fund, and two hundred dollars to the cemetery fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1374.]

AN ACT

To authorize the trustees of Stonelick township, Clermont county, to appropriate funds to aid in the construction of a certain turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Stonelick township, in the county of Clermont, be and are hereby authorized to appropriate the sum of one hundred dollars (\$100.00) out of any funds they may deem best, for the purpose of aiding in the construction of a free turnpike road, extending to and passing by the Stonelick cemetery grounds, in said Stonelick township.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1375.]

AN ACT

To authorize the council of the village of Loveland, in the counties of Clermont, Hamilton and Warren, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Loveland, Clermont, Hamilton and Warren counties, Ohio, be and the same is hereby authorized and empowered to transfer two hundred dollars (\$200) from the village police fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1385.]

AN ACT.

To authorize the village of Prospect, Marion county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Prospect, Marion county, Ohio, be and the same is hereby authorized to transfer six hundred dollars from the building to the general fund, and three hundred dollars from

the marshal and police fund to the general fund, and one hundred dollars from the fire fund to the general fund.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1386.]

AN ACT

To authorize the council of the incorporated village of Wadsworth, Medina county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Wadsworth, Medina county, Ohio, be and is hereby authorized to transfer two hundred dollars (\$200) from the general fund to the sanitary and street repair fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1388.]

AN ACT

To authorize the school board of the special school district in north precinct, Union township, Ross county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school board of the special school district in north precinct, Union township, Ross county, Ohio, be and they are hereby authorized to transfer two hundred and sixty dollars from the school fund of said special school district to the cemetery fund of said north precinct.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1389.]

AN ACT

To authorize the council of the village of Athens to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the council of the incorporated village of Athens be and hereby is authorized to transfer the sum of two thousand dollars from the police fund to the street or road fund.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1391.]

AN ACT

To authorize the incorporated village of Bridgeport, Ohio, to issue bonds for the purpose of constructing a system of water pipes and tanks for supplying water to said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the incorporated village of Bridgeport, Ohio, is hereby authorized to issue bonds of said village in the sum not exceeding twenty-five thousand dollars, in denominations not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and redeemable at such time as council may by ordinance prescribe, not more than forty years from date.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their par value, and may be sold at such times and in such amounts, from time to time, as will best subserve to carry out the purpose for which they are issued.

SECTION 3. The proceeds of said bonds shall be used for the purpose of constructing a system of pipes and tanks for supplying water to the said village and the inhabitants thereof, by a complete system of water pipes and tanks, to be constructed under the direction of the council, and owned and controlled by said village.

SECTION 4. If any bonds of said village be issued as hereinbefore provided, it shall be the duty of the council of said village, and said council is hereby authorized, annually thereafter, until the same and the interest thereon shall be paid, to levy a tax on all the taxable property of said village sufficient to provide for the payment of the interest accruing on the bonds so issued, and to create a sinking fund for the payment of the principal of the bonds as they may fall due.

SECTION 5. The question of issuing such bonds shall be submitted to the vote of the qualified electors of said village, at a general or special

election held in said village, of which twenty days' notice shall be given by publication in a newspaper of general circulation in said village, and notices posted in fifteen of the most public places in said village. Those in favor of water works pipes and tanks and issuing said bonds shall vote, "Water works pipes and tanks—Yes;" and those opposed to water works pipes and tanks and issuing bonds shall vote, "Water works pipes and tanks—No." If a majority of the votes cast at said election are in favor of water works pipes and tanks and the issue of said bonds, then the council shall proceed to issue said bonds, and not otherwise.

SECTION 6. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1408.]

AN ACT

To authorize the trustees of Rockport township, Cuyahoga county, to levy a tax and build cemetery vaults.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Rockport township, Cuyahoga county, Ohio, are hereby authorized to levy a tax of two-tenths of a mill per year, for two years, for the purpose of building two cemetery vaults in said township, and to use for same purpose, in addition to said levies, any or all unused money in cemetery fund.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1409.]

AN ACT

To divide Willoughby township, in Lake county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Willoughby township, in the county of Lake, and state of Ohio, be and the same is hereby divided into two election precincts, one to be known as the east precinct and one as the west precinct, and said west precinct shall include the territory, and only such territory, as lies within

the boundaries of tracts three, four, five, seven, eleven, twelve and fifteen, the same lying in the west part of said Willoughby township, and the voting place of said precinct shall be at Wickliffe.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 3, 1889.

[House Bill No. 1110.]

AN ACT

To authorize the village of Hilliard, Franklin county, to issue bonds for the purpose of grading and dressing Main street with crushed stone.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Hilliard, Franklin county, Ohio, be and the same is hereby authorized to issue the bonds of said village in any sum not exceeding two thousand dollars, bearing interest at a rate not exceeding seven per cent. per annum, for the purpose of providing funds to pay for grading and dressing Main street with crushed stone.

SECTION 2. Said bonds shall be payable at such times, not exceeding eight years from the respective dates thereof, as said council may determine; they shall be in denominations of not less than fifty dollars and not more than one hundred dollars, as said council may direct, and shall be issued and sold according to law.

SECTION 3. That for the purpose of paying said bonds and the interest thereon, as the same may become due, the said council is hereby authorized to levy a tax on all the taxable property of said village, not exceeding three mills on the dollar, in any one year, in addition to the taxes now authorized by law to be levied, which levy shall be placed on the duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889

[House Bill No. 1215.]

AN ACT

Authorizing the village of Dresden, Muskingum county, Ohio, to issue bonds for the purpose of purchasing a site and erecting thereon a town hall and engine house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Dresden, Muskingum county, Ohio, is hereby author-

ized to issue bonds, not to exceed thirteen thousand dollars (\$13,000), in denominations not less than fifty, nor more than five hundred dollars, for the purpose of purchasing a site and erecting thereon a town hall, to be used for engine room and other purposes. Said bonds shall bear not more than six per cent. interest, and shall not sell for less than par, and may be made to run for such time as the council of said village may provide by ordinance, providing for such issue of bonds.

SECTION 2. That for the purpose of paying said bonds and accrued interest thereon as the same become due, the said village is hereby authorized and empowered to levy and assess a tax upon all taxable property of said village, not exceeding three mills, in addition to the amount allowed by law, every year during the time said bonds have to run, sufficient in amount each year to pay the interest on, and to redeem that portion of said bonds issued in pursuance of this act, that will fall due during such year. And the money so raised shall not be used for any other purpose than for the paying of said bonds and interest thereon.

SECTION 3. The bonds mentioned in this act shall not be issued until after the question of issuing the same shall have first been submitted to the electors of said village, either at any general or special election, that may be called for the purpose, and a majority of the ballots of the electors voting upon such question be cast in favor of such issue of bonds. The ballots shall have written or printed upon them, "Issue of bonds for town hall—Yes;" "Issue of bonds for town hall—No." The council of said village may, by resolution at any regular meeting, call such special election, or [to] decide to submit such question at the general municipal election. Such resolution shall be published for two consecutive weeks in a paper published in said village, and shall also contain notice of the time and place or places for the holding of such election, and such resolution shall also state the maximum amount of bonds proposed to be issued.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1264.]

AN ACT

For the relief of John Cunningham.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the local directors of sub-district No. 9, of Brushcreek township, Muskingum county, Ohio, and the clerk of said township, be and they are hereby authorized to issue their certificate and order on the treasury of said township, to John Cunningham, for services as teacher in said sub-district, for the sum of one hundred and forty dollars (\$140.00).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1290.]

AN ACT

To authorize the commissioners of Brown county to construct a free turnpike in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Brown county, Ohio, be and they are hereby authorized to build and construct a good and sufficient free turnpike on the Brownstown and Arnheim road, beginning at Brownstown and ending at the Arnheim and Ripley free turnpike road, in the village of Arnheim, in said county.

SECTION 2. Twenty per centum of the cost of the construction of said free turnpike shall be paid by a tax on all the taxable property within one mile of said free turnpike, and eighty per centum of the costs of the construction of said free turnpike shall be paid by a tax on all the taxable property of the county, and all other costs connected with the establishing and construction of said free turnpike shall be paid for by the county.

SECTION 3. The said commissioners shall determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten, and an equal part of said twenty per centum shall be levied and collected each year, and the said commissioners are authorized each year to make such levy upon all the taxable property within said taxing district, until the whole twenty per centum is fully paid; and they shall cause the same to be placed upon the tax duplicate and collected as other taxes; and they shall in like manner levy upon all the taxable property of the county the eighty per centum of the costs of said construction, so that the same will be paid in not less than five years nor more than ten.

SECTION 4. For the purpose of paying eighty per centum of the cost of the construction of said free turnpike road, the commissioners are hereby authorized to issue the bonds of the county, bearing not to exceed six per cent. interest, payable at such times as the commissioners may determine, not exceeding ten years from the date thereof. Said bonds shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1317.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Clermont county, Ohio, be and they are hereby authorized to construct a good, substantial, free turnpike road in said county, along the following route, viz.: Commencing at the intersection of the north side Big Indian road with the Neville and Boatrunk free turnpike in the village of Point Pleasant; thence east up the Big Indian valley by the best and most practicable route to an intersection with the Moscow and Pekin free turnpike in the vicinity of Gregg's tanyard.

SECTION 2. In laying out and establishing said turnpike road, the said county commissioners shall have power to locate the same, or so much thereof as they may deem proper, upon the present traveled north side Big Indian county road, and may alter, change, or vacate any part or parts thereof, and are further authorized to lay out, locate and survey said turnpike through any improved or unimproved lands; and for that purpose shall have power to condemn and appropriate the necessary lands therefor, in conformity with the statutes for appropriating private property to public purposes, and allow and settle directly all compensation for the same, together with damages such as may be deemed reasonable. Said road shall be opened not more than fifty feet wide nor less than thirty.

SECTION 3. For the construction of said road, the commissioners may, if they deem it best, issue bonds; provided, they shall not bear interest above six per cent. per annum, nor be sold for less than par; and for the payment of said bonds, with interest thereon, the commissioners may levy and issue a tax of two-tenths of one mill on all taxable property of the county in addition to taxes now allowed by law.

SECTION 4. Before proceeding to construct said road, said commissioners shall require and secure from those interested in said improvement a subscription or donation, equal to twenty per cent. of the aggregate cost thereof, to be used in its construction.

SECTION 5. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1376.]

AN ACT

To authorize the council of the incorporated village of Sabina, Clinton county, Ohio, to issue bonds for the purpose of sinking wells for natural gas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Sabina, Clinton county, Ohio, be and it is hereby authorized to issue bonds of said village not

exceeding (\$5,000) five thousand dollars, bearing interest at a rate not exceeding 6 per cent. per annum, payable annully, for the purpose of providing funds to defray the expenses of sinking wells for natural gas; provided, however, that no bonds shall be issued or tax levied under the provisions of this act, until the question of issuing said bonds shall have been submitted to the qualified electors of said village, at an election to be held at such time after the passage of this act as the village council may determine, and five days' notice of such election and submission shall be given by the mayor of said village, in one or more newspapers published therein, stating the amount of bonds to be issued, and the purpose for which they are to be issued, and the time and place of holding such election; and if a majority of the electors voting at such election upon the question of issuing said bonds [vote] in favor thereof, then the said bonds may be issued and the said tax levied.

SECTION 2. Those voting in favor of the said proposition shall have written or printed on their ballots the words, "For the issue of bonds;" and those voting against the same, the words, "Against the issue of bonds."

SECTION 3. The principal of said bonds shall be payable at such places and at such times, not exceeding ten years from date of issue, as the council of said village may, by ordinance, determine, and the council of said village is hereby authorized to levy a tax upon all the taxable property of said village to pay said bonds and interest.

SECTION 4. Said bonds shall be issued in such sums as the village council of said village may, by ordinance, determine, and shall be signed by the mayor and countersigned by the clerk of said village, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1390.]

AN ACT

To authorize the commissioners of Adams county to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Adams county be and they are hereby authorized to construct the following free turnpike road, to-wit: Beginning at the top of the hill near Thomas Groom's residence, at the county line between Adams and Pike counties, thence with the Piketon and Locust Grove road, as near as practicable, to intersect the Locust Grove and Portsmouth road at or near the lands of I. S. Rearick, thence with said Portsmouth and Locust Grove road on the line between J. S. Berry's and A. Sesna's lands and on the old road bed, as near as practicable, passing the school house, and residence of J. S. Berry, intersecting the Locust Grove

and Jacksonville free turnpike at a point opposite L. M. Davis' store, in the village of Locust Grove.

SECTION 2. Said commissioners may, in their discretion, order at once the building of said road, but before ordering said road shall require donations of not less than twenty per centum of the estimated cost thereof, and may issue bonds for the construction of the same, bearing six per cent. interest, which shall not be sold for less than their par value, and may levy a tax not exceeding three mills on the dollar, annually, on all the taxable property of said county for the purpose of paying said bonds and interest thereon.

SECTION 3. A majority of said commissioners may, at any regular or special session, agree upon plans and specifications, and order said improvement or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1399.]

AN ACT

To dissolve the joint sub-school district comprised in part by sub-school district one and two, in Fallsbury township, Licking county, Ohio, and sub-school district two and three in Pike township, Coshocton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory in the joint sub-school district in Fallsbury township, Licking county, Ohio, composed in part of sub-school district one and two in said township, and sub-school district two and three in Pike township, Coshocton county, Ohio, is hereby restored to the districts from which said territory was taken to form said joint sub-school district; and said joint sub-school district is hereby dissolved.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[House Bill No. 1403.]

AN ACT

To authorize the board of education of the special school district of Kalida, Putnam county, Ohio, to levy an additional tax to pay existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district of Kalida, Put-

nam county, Ohio, in addition to the taxes authorized by law, are hereby authorized, in each of the years 1889, 1890 and 1891, to levy an additional tax, not to exceed 3 mills on each dollar of the valuation of all the taxable property in said district, and the territory annexed, for the purpose of paying existing indebtedness.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 558.]

AN ACT

To authorize the commissioners of Defiance county, Ohio, to levy additional taxes for road purposes, in Adams township, and the North voting precinct of Richland township, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Defiance county be and they hereby are authorized to levy, at their June session of each year, a tax upon all the taxable property in the township of Adams and the North precinct of the township of Richland, in said county, for either or all of the years 1889, 1890, 1891, 1892 and 1893, in addition to the tax now authorized to be levied for road and bridge purposes, two and one-half mills on the dollar.

SECTION 2. The taxes, which shall be paid into the county treasury of said county, by virtue of such levy, shall be expended under the direction of said board of county commissioners, in such manner as shall seem to them most advantageous to the interests of said township and said precinct, for the graveling, grading and macadamizing, or either, or for the construction, re-construction, or repair of such of the highways in said township and precinct as said board of county commissioners may deem proper.

SECTION 3. Before the said county commissioners shall make any such levy, they shall submit the question of accepting or rejecting the provisions of this act to the qualified electors of said township of Adams, and the qualified electors of said North precinct of Richland township, at a general or special election, after giving at least ten days' notice thereof, by posting in ten of the most public places, in said township and precinct, written or printed notices. The tickets to be voted at an election, at which said question shall be submitted, shall have written or printed thereon the words, "Road improvement—Yes," or "Road improvement—No;" and returns of such election shall be made by the officers thereof within five days, to the county commissioners; and if said question shall be submitted at a special election, the officers thereof shall be chosen and qualified as in other cases, and shall receive for their services the same fees as are allowed by law to officers at general elections, to be paid out of the county treasury on the warrants of the county audi-

tor. If said question shall be submitted at a general election, the officers thereof shall make their returns to the county commissioners, and for their services shall receive the same fees as are allowed by law for making returns of elections of justices of the peace.

SECTION 4. If a majority of all the votes cast at any election held under the provisions of this act in said township of Adams shall be against road improvement, said township shall be exempt from the operation of this act, and such additional levy shall not be authorized in said township; or if a majority of all the votes cast at any election held under the provisions of this act, in said North precinct of said township of Richland shall be against road improvement, then said precinct shall be exempt from the operation of this act, and such additional levy shall not be authorized in said precinct.

SECTION 5. If at any time after one year from any election, which shall be held under the provisions of this act, fifty or more tax-payers of said township of Adams, or said North precinct of said township of Richland, shall, by written notice to their respective township trustees, request an election to be held within such township or precinct, for the purpose of voting upon the question of accepting or rejecting the provisions of this act, the trustees of said township or said precinct, as the case may be, shall, within ten days after the receipt of such notice, proceed to give notice of such election, as is provided in section three of this act, which election shall be held and the returns thereof made as prescribed in said section three.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 5, 1889.

[Senate Bill No. 551.]

AN ACT

To authorize the commissioners of Sandusky county, Ohio, to build a jail and sheriff's residence.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Sandusky county are hereby authorized to erect a county jail and sheriff's residence, at a cost not to exceed forty thousand dollars.

SECTION 2. The commissioners of said county, for the purpose of building said jail and sheriff's residence, may borrow such sum or sums of money as they shall deem necessary, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of the said county to secure the payment of the principal and interest thereof; such interest shall be paid semi-annually, each six months after date of issue, at the county treasury, or in the city of New York, at the discretion of the county commissioners, and the principal shall be paid at such times as the commissioners pre-

scribe, within not exceeding ten years from the date of such indebtedness; said bonds to be sold for not less than their par value; but the first payment of interest on any such bonds shall be for such portion of the six months as shall have elapsed between the date of its issue and the time specified therein for the first payment of interest thereafter; the aggregate sum of the bonds so issued shall not exceed the amount fixed in the first section of this act.

SECTION 3. The bonds so issued shall be signed by the county commissioners, or any two of them, and countersigned by the county auditor, with coupons attached, in sums not less than fifty dollars nor more than one thousand dollars each, payable to the bearer, at the county treasury, or in the city of New York, at the discretion of the county commissioners, with interest as aforesaid, at such times as may be therein specified, not exceeding ten years after date, as the commissioners may prescribe, and such bonds shall specify distinctly the object for which they were issued.

SECTION 4. The commissioners shall, annually, at their June session, levy such amount of taxes as will pay the interest on such indebtedness, and not less than one-tenth of principal.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[Senate Bill No. 572.]

AN ACT

To authorize the county commissioners of Mahoning county to increase the tax levy of the general fund, and to issue bonds and notes, if necessary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Mahoning county be and they are hereby authorized and empowered, at their regular June sessions, to levy a tax on the grand duplicate of said county, in addition to that now authorized by law, of one mill on the dollar, to pay the indebtedness of the general fund of said county, and to meet the increased necessary expenditures for general county purposes.

SECTION 2. Should it become necessary to use all or any part of the levy provided for by section one, before the same is paid in, the said commissioners shall have power to issue bonds of the county in such amount, and for such time, as they may deem proper, payable not later than March 1, 1894, not exceeding in the aggregate fifteen thousand dollars, bearing interest not to exceed six per centum per annum, and payable on the first day of March and September of each year; said bonds not to be sold for less than their par value.

SECTION 3. That said commissioners are authorized to negotiate loans, not exceeding five thousand dollars, payable in not exceeding sixty days, to meet the current demands upon the general fund of said county, until said bonds can be sold and the money realized thereon; said notes to be paid out of the proceeds of the sale of said bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[Senate Bill No. 567.]

AN ACT

To authorize the commissioners of Ross county to transfer certain funds, and to levy an additional tax for the general fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ross county be and they are hereby authorized to transfer, permanently, the sum of five thousand dollars from the poor fund of said county to the general revenue fund thereof; two thousand dollars of said sum to be transferred before June, 1889, and the remaining three thousand dollars before December, 1889, and the commissioners of said county are hereby authorized, at their June session, A. D. 1889, to levy a tax, for the general expenses of said county, of two-tenths of a mill on each dollar of taxable property within said county, in addition to that already authorized by law.

SECTION 2. This act shall be in force after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 1273.]

AN ACT

To authorize the commissioner of Adams county to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Adams county, Ohio, be and they are hereby authorized to construct the following free turnpike road, to-wit: Beginning at the Tranquility Flat Run and Highland county line turnpike, at or near the Flat Run church; thence with the public road as near as practicable to May Hill; thence the nearest route to a point in the public

road south of J. Hardin's residence; and from thence the nearest and most practicable route to the Louisville church; from thence to the Marble Furnace bridge, in the road already granted, leading from Tranquility to Peebles.

SECTION 2. Said commissioners may, in their discretion, order at once the construction of said road, but before ordering said road, shall require donations of not less than twenty per centum of the estimated cost thereof, and may issue bonds for the construction of the same, bearing six per cent. interest, which shall not be sold for less than their par value; and may levy a tax not exceeding three mills on the dollar, annually, on the taxable property of said county, for the purpose of paying said bonds and interest.

SECTION 3. A majority of said board of commissioners may, at any regular or special session, agree upon plans and specifications, and order said improvement, or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 1316.]

AN ACT

To authorize the county commissioners of Clermont county to purchase that part of Cincinnati, Columbus and Wooster turnpike situated in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of the county of Clermont be and hereby is authorized to purchase, for said county, that part of the Cincinnati, Columbus and Wooster turnpike road situate in the county of Clermont, and thereafter to be a free turnpike, and kept in repair as other free turnpike roads in said county. When purchased, and before any payment is made therefor, the owner or owners to execute to the county of Clermont a good and sufficient deed of conveyance, and to the satisfaction of said board of county commissioners.

SECTION 2. That before said purchase is made, there shall be filed in the office of said board of county commissioners, by the persons interested in the purchase of said part of said Cincinnati, Columbus and Wooster turnpike, a guarantee by subscription or otherwise, to the satisfaction of said board, of twenty per cent. of the amount of purchase money of said part of said Cincinnati, Columbus and Wooster turnpike road. When the purchase is made and deed of conveyance executed for said part of said Cincinnati, Columbus and Wooster turnpike road, the board of county commissioners shall assign said guaranty of twenty per cent. to the late owners of the Cincinnati, Columbus and Wooster turnpike company, and the same shall be received by them without rebate, in full payment of the one-fifth of the purchase money for said part of said Cincinnati, Columbus and Wooster turnpike road, to be collected by them in their own name.

SECTION 3. That in case said board of county commissioners and the owners of said part of said Cincinnati, Columbus and Wooster turnpike, cannot agree upon a purchase price, said board and owners may cause an appraisement thereof to be made by three disinterested freeholders of said county, one to be selected by said board, one by said owners and the third appraiser to be chosen by the two appraisers selected as aforesaid.

SECTION 4. That the appraisers selected and chosen under the provisions of this act shall, under oath, upon actual view, appraise that portion of the Cincinnati, Columbus and Wooster turnpike road located in said county, at its true value, and make return in writing of their appraisement, within ten days after making the same, to said board. The said board and owners of said Cincinnati, Columbus and Wooster turnpike company, within thirty days after the return of said appraisement, may agree upon a sale and purchase of said part of said Cincinnati, Columbus and Wooster turnpike at the appraised value or less. If the said board refuses to complete the purchase at the appraised value, in that case the said county shall pay the costs of appraisement. If the owners refuse to sell at the appraised value, the said owners of said Cincinnati, Columbus and Wooster turnpike shall pay the costs of appraisement. The appraisers shall each be entitled to receive two dollars per day for their services rendered under this act.

SECTION 5. That for the purpose of paying four-fifths of the purchase money for said part of said Cincinnati, Columbus and Wooster turnpike road, said board of county commissioners is hereby authorized to issue the bonds of said county, payable at such times not exceeding twenty-five years from the date of the same, as to said board may seem proper, bearing a rate of interest not exceeding six per centum per annum, payable semi-annually. Said county bonds shall not be sold or otherwise disposed of at less than their par value. The bonds to be issued in denominations not to exceed five hundred dollars nor less than fifty dollars.

SECTION 6. That the county auditor of said county shall make and keep in the office of said board, in a book to be provided for registry of county bonds, an accurate registry of said bonds, showing date of issue, number of bond, amount of bond, to whom sold, when due, when redeemed and amount of interest and principal paid on each bond. Each of said bonds shall be signed by the county commissioners and countersigned in red ink by the county auditor of said county.

SECTION 7. That for the payment of the interest on, and for the redemption of said bonds, the board of county commissioners of said county is hereby authorized to levy a tax upon all the taxable property of said county, at such a rate not exceeding one-eighth of a mill annually, in addition to other levies for road purposes, authorized by law, on each dollar of taxable property in said county, as may be found necessary to pay the interest on said bonds and provide a sum sufficient to redeem and pay said bonds as they become due and payable.

SECTION 8. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 1404.]

AN ACT

To authorize the village of Fort Jennings, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Fort Jennings, Putnam county, Ohio, be and is hereby authorized to transfer from the surplus in the general revenue fund the sum of six hundred dollars (\$600.00) to the street improvement fund.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 1405.]

AN ACT

To change the name of Robert Cox to Robert C. Slusser.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Robert Cox, a resident of West Brookfield, Stark county, Ohio, be and the same is hereby changed to that of Robert C. Slusser.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 1406.]

AN ACT

To authorize the village of Gloucester to issue bonds for general purposes and pay debts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Gloucester, in Athens county, be and is hereby authorized to issue bonds in the sum of twenty-five hundred dollars, to pay debts and to supply the general street and police funds of said village, as follows: General fund, five hundred dollars; street fund, one thousand dollars; police fund, four hundred dollars; and to pay debts now due, six hundred dollars. Said bonds shall be signed by the mayor and clerk of said village, and may be issued in denominations of not less than fifty dollars, nor more than one hundred dollars; said bonds shall

bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall not be sold for less than their par value; said bonds shall be made payable as follows: fifteen hundred dollars in two years and one thousand dollars in three years from the date of issue.

SECTION 2. For the payment of principal and interest of said bonds, as the same shall become due, said council are hereby authorized and required to levy a tax on all the taxable property of such village, in such assessment as will meet each year the principal and interest then falling due upon such bonds.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 6, 1889.

[House Bill No. 149.]

AN ACT

To authorize the commissioners of Monroe county, Ohio, to refund to Samuel Gates a part of forfeited recognizance paid by him.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Monroe county, Ohio, be and they are hereby authorized and empowered to refund to Samuel Gates any sum not exceeding four hundred dollars, out of the general expense fund of said county, being to reimburse the said Samuel Gates in part for the sum paid by him on forfeited recognizance of said Samuel Gates, in which case he afterward voluntarily appeared in court, plead guilty to the charge, and paid the full amount of the fines and costs.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives
WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 612.]

AN ACT

To authorize the commissioners of Miami county, Ohio, to purchase a turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Miami county, Ohio, are hereby authorized and empowered to purchase from the owners of the same that part of a turnpike road lying within said county, and known as the Piqua and St.

Mary's turnpike road company, incorporated by an act of the general assembly of Ohio, passed February 24, 1844, together with the bridges, culverts, gravel banks and gravel beds thereunto belonging, at such price and upon such terms as may be agreed upon by and between the commissioners and the owners of said road; and the said commissioners may levy such part of said purchase money, as they may deem just and equitable, upon the lots and lands adjacent thereto, within the two-mile limit, as per the free turnpike laws of Ohio, now in force; and said road, when so purchased, shall thenceforth be a free turnpike road, and shall be improved and kept in repair in the same manner as is provided by law as to other free turnpike roads in said county.

SECTION 2. When the terms of sale shall have been agreed upon between the commissioners of said county of Miami and the owners of said road, then said commissioners shall take conveyance for said road, gravel beds, bridges and culverts thereunto belonging, from the owners thereof; and to provide for the payment of said road, the commissioners of said county are hereby authorized to issue bonds of the county in suitable denominations, not exceeding five hundred dollars each, which bonds shall be paid in semi-annual installments, not to exceed seven years, and draw interest at the rate of six per cent., payable semi-annually.

SECTION 3. For the purpose of paying said bonds named in this act, and the interest thereon, the county commissioners of said county are authorized and empowered to annually levy upon the grand duplicate of the county an amount, which, in their opinion, may be sufficient for the payment of said bonds and the interest thereon.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1089.]

AN ACT

To provide for the improvement of a certain county road in Crosby township, Hamilton county, Ohio, and to provide funds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Hamilton county, Ohio, are hereby authorized to levy upon the grand duplicate of said county a tax of at least one-twentieth ($\frac{1}{20}$) of one mill against all the taxable property in said county, in the year 1889, for the purpose of improving, grading and macadamizing the county road leading from the village of New Haven, in Crosby township, in an eastwardly direction and intersecting the county road which leads from the village of New Baltimore to Miami, at a point on the lands formerly owned by John Breese.

SECTION 2. The board of county commissioners of said county shall, when said tax shall be collected, proceed immediately to improve said county road according to law.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1156.]

AN ACT

To authorize the commissioners of Adams county to rebuild the Rome and Mineral Springs free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Adams county, Ohio, be and they are hereby authorized to reconstruct the following free turnpike, to-wit: The road known as the Rome and Mineral Springs turnpike, which, when ordered to be rebuilt by said board, the work shall be performed in the same manner as if said county commissioners were proceeding to build a new road.

SECTION 2. Said commissioners may, in their discretion, order at once the reconstruction of said road, and may issue bonds for the performance of said work, bearing six per cent. interest, which shall not be sold for less than their par value, and may levy a tax not exceeding three mills on the dollar, annually, on all the taxable property of said county, for the purpose of paying the said bonds and interest thereon.

SECTION 3. A majority of said commissioners may, at any regular or special session, agree upon plans and specifications, and order said improvement, or any part thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1180.]

AN ACT

To authorize the commissioners of Monroe county to construct two free turnpikes in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Monroe county, Ohio, be and they are hereby authorized to build and construct the following free turnpike roads: One

beginning at Clarington, thence through Cameron to Woodsfield along and on present road as near as practicable; and the other beginning at the county line near Cleveland's water mill, thence through Calais to Mero, along or on either of the roads leading from said Calais to Mero; provided, that before any action shall be taken under this act, the county commissioners shall cause the question as to whether said turnpikes shall be constructed to be submitted to the qualified electors of said county, at any annual or general election, and those favoring such action shall have on their ballots, "Free turnpikes—Yes;" and those opposed, "Free turnpikes—No;" and if a majority of all the votes cast on said question be in favor thereof, then the powers herein may be exercised, but otherwise not.

SECTION 2. Twenty per centum of the cost of the construction of said free turnpikes shall be paid by a tax on all the taxable property in said county within two miles of said free turnpikes, the distance to be measured from the sides of said free turnpikes and not from the termini; and eighty per centum of the cost of the construction of said free turnpikes shall be paid by a tax on all the taxable property of the county, and all other costs connected with the establishing and construction of said free turnpikes shall be paid for and by the county.

SECTION 3. The said commissioners are hereby authorized and required to appoint, for each turnpike, three judicious, disinterested land-owners of the county as viewers, and a competent surveyor, whose duty it shall be to measure and lay off, in sections of not less than one-half mile, the roads thus sought to be improved, and they shall also ascertain the lands, lots and parcels of land lying within two miles of said free turnpikes, and subject to taxation for the payment of said twenty per centum, and they shall ascertain the resident taxpayers within said taxing districts, and all persons subject to taxation within said districts. Said viewers and surveyors shall be sworn to honestly and faithfully discharge the duties incumbent upon them; they shall make their report in writing within a reasonable time, to be fixed by said commissioners; the commissioners may, for good cause, set the said report aside and order another view and measurement by the same viewers and surveyor, or by other equitable viewers and surveyor, and the said commissioners shall have jurisdiction at all times to make all proper corrections in regard to the lands and persons within said districts and sought to be taxed.

SECTION 4. The said commissioners shall, by order entered on their journal, determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten, and an equal part of said twenty per centum shall be levied and collected each year, and the said commissioners are authorized and required, each year, to make such levy upon all the taxable property within said taxing districts, until the whole twenty per centum and the interest thereon is fully paid; and they shall cause the same to be placed upon the tax duplicate and collected as other taxes; and they shall in like manner levy upon all the taxable property of the county the eighty per centum of the cost of said construction, so that the same will be paid in not less than five years nor more than ten.

SECTION 5. For the purpose of paying for the construction of said free turnpikes, as the work progresses, and when completed, the said commissioners are hereby authorized and empowered to issue the bonds of the county, payable in such time as said commissioners may determine, but not longer than ten years; and said commissioners shall issue and sell

said bonds according to law, and they shall bear not to exceed six per cent. interest per annum, interest payable semi-annually.

SECTION 6. In the letting of the contract for the furnishing of material and the construction of said free turnpikes the said commissioners shall be governed by the laws of Ohio in regard to letting of contracts for the construction of free turnpikes.

SECTION 7. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1327.]

AN ACT

To authorize the commissioners of Fairfield county to levy a tax for the relief of the agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Fairfield county, for the purpose of paying off the debt now outstanding against the Fairfield county agricultural society, be and they are hereby authorized to levy a tax of three-fourths of one mill upon the taxable property of said county.

SECTION 2. Before the levy of said tax, the question of such levy shall be submitted to the voters of said Fairfield county, at a general or special election, of which at least fifteen days' notice shall be given by publication in at least two newspapers in said county; at the said election, all those who are in favor of levying said tax shall have printed on their ballots the words, "Levy of special tax—Yes;" and all those who are opposed to the levying of said tax shall have printed on their ballots the words, "Levy of special tax—No." No levy for said purpose as provided by this act shall be made unless a majority of the votes cast at said election shall be in favor of such levy.

SECTION 3. And the commissioners of said county shall continue each year after said election to make a like levy for said purpose, until said present outstanding debt against said society is paid.

SECTION 4. The fund so arising from said levies shall be paid to said agricultural society, and shall be used for the purpose provided by this act only.

SECTION 5. This act shall take effect on and after its passage.

N. H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1335.]

AN ACT

To authorize the council of the village of Deshler, Henry county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Deshler, Henry county, Ohio, be and is hereby authorized to transfer from the building fund of said village, the sum of thirty-nine hundred and ninety-two dollars and eighty cents (\$3,992.80) to the following funds: To the fire fund, fifteen hundred dollars (\$1,500.00); to the general fund, fourteen hundred and ninety-two dollars and eighty cents (\$1,492.80); to the sinking fund, eight hundred dollars (\$800.00); to the street fund, two hundred dollars (\$200.00).

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1336.]

AN ACT

To authorize the council of the village of Liberty Center, Henry county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Liberty Center, Henry county, Ohio, be and are hereby authorized to transfer the sums of one hundred dollars (\$100.00) from the general fund, and one hundred dollars (\$100.00) from the police fund to the fire fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1361.]

AN ACT

To authorize the incorporated village of Van Wert, Ohio, to levy an additional tax for the purpose of paying the bonds and interest of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Van Wert, Van Wert county, Ohio, be and are hereby authorized to levy an additional tax, (not to ex-

ceed four mills), annually, in addition to all other taxes authorized by law, for the purpose of paying the interest on the bonded debt of said village, and for the payment of the bonds when the same shall become due.

SECTION 2. The mayor, clerk and treasurer of said village shall, annually, at the time of making the general levy of taxes, report to the council of said village the amount necessary to be levied for the purpose of paying the bonds becoming due each year, and the amount necessary to pay the interest on the outstanding indebtedness, and the council shall certify the amount so reported, or so much thereof as may not be otherwise provided for, to the auditor of Van Wert county, Ohio, and the amount so certified shall be placed upon the duplicate and collected as other municipal taxes are.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1371.]

AN ACT

To authorize the city council of the city of Defiance, Ohio, to borrow money and issue bonds therefor, to provide for the construction of suitable buildings for voting rooms, police stations and hose houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Defiance, Ohio, be and said council is hereby authorized to borrow money not to exceed the sum of ten thousand dollars, for the purpose of constructing and furnishing, at such places in said city as it may deem best, of suitable and commodious buildings for use as voting places, hose rooms and police stations; and to issue the bonds of said city therefor, in such denominations, and to mature at such times, not exceeding ten years, as the council may determine; said bonds shall not be sold for less than their par value, and shall bear not to exceed six per cent. interest per annum, payable semi-annually.

SECTION 2. To provide for the payment of said bonds, the city council of said city of Defiance, Ohio, are hereby authorized to levy a tax upon all the taxable property in and of said city, in addition to the taxes otherwise authorized by law, sufficient to pay said bonds and the interest thereon as the same shall mature.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1373.]

AN ACT

Authorizing the council of the incorporated village of Minster, Auglaize county, to issue and sell bonds for street improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Minster, Auglaize county, be and they are hereby authorized to issue and sell the bonds of said village, in the sum not exceeding six thousand dollars, bearing interest not exceeding six per centum, payable annually, and of denominations not less than one hundred dollars or more than five hundred dollars each, payable at such times as said council may prescribe, not to exceed ten years from date of issue. Said bonds shall not be sold below par, and the proceeds therefrom shall be used to improve the streets of said village; said bonds shall be signed by the mayor of said village, and countersigned by the clerk of said village; and the council of said village is hereby authorized to levy a tax annually on all taxable property of said village of Minster, to pay said bonds and the interest thereon as the same may become due.

SECTION 2. It shall be the duty of the common council of said village of Minster to submit said proposition to issue said bonds and levy said tax, to the qualified electors of said village, at a general or special election, to be called for that purpose. Fifteen days' notice of the proposed submission of said proposition to levy said tax and issue said bonds shall be given by posting notices thereof in five of the most public places in said village; the form of the ballot of said election on said proposition shall be as follows: "For issue of bonds—Yes;" "For issue of bonds—No;" and if a majority of the qualified electors at said election shall vote in favor of said proposition, said council shall be authorized to issue said bonds and to levy said tax, and not otherwise.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1382.]

AN ACT

To annex certain territory to Millville special school district, Hocking county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following territory be and the same hereby is annexed and attached to Millville special school district, Hocking county, Ohio, for school purposes: Fractional lot number one (1), section twenty-two (22), town-

ship thirteen (13), range eighteen (18), containing 40¹¹/₁₀₀ acres; also fractional lot number four (4), section twenty-seven (27), township thirteen (13), range eighteen (18), containing 48¹⁸/₁₀₀ acres, all situate in Good Hope township, Hocking county, Ohio.

SECTION 2. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1393.]

AN ACT

To authorize the trustees of Harrison township, Paulding county, Ohio, to issue and sell the bonds of said township, and to purchase lands and prepare the same for use as a cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Harrison township, Paulding county, Ohio, are hereby authorized to issue and sell the bonds of said township to any amount not exceeding two thousand dollars, at a rate not exceeding 6 per cent. per annum, to purchase lands and place the same in proper condition for cemetery purposes. The said bonds shall be issued and sold as provided by law.

SECTION 2. For the purpose of paying the interest and principal on said bonds as the same shall fall due, the said trustees are authorized to levy a tax on all the taxable property of said township, in addition to that now authorized, sufficient to pay the said interest and principal as it may mature.

SECTION 3. This act shall take effect on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 9, 1889.

[House Bill No. 1423.]

AN ACT

To authorize the commissioners of Cuyahoga county to lease armory.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county, Ohio, are hereby authorized to lease to the Grand Army of the Republic and Women's

Relief Corps of Berea, Ohio, the armory located in said village, when not in actual use by the Ohio National Guard.

SECTION 2. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1432.]

AN ACT

To authorize the school board of Paulding township, Paulding county, Ohio, to issue and sell bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school board of Paulding township, Paulding county, Ohio, are hereby authorized to issue and sell the bonds of said township in any amount not exceeding fifteen hundred dollars. The said bonds shall be issued and sold according to law, shall bear interest not exceeding six per cent. per annum, and shall be made payable and due in not to exceed five years from date of issue. The proceeds arising from the sale of said bonds shall be applied in paying the school indebtedness of said township and in paying the expenses of maintaining the public schools of said township.

SECTION 2. The school board of said township are authorized to levy a tax on all the taxable property of said township, in addition to that now authorized by law, sufficient to pay the interest and principal of the said bonds as the same may mature.

SECTION 3. This act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1433.]

AN ACT

To authorize the trustees of Bloomingburg academy, in Fayette county, Ohio, to sell the buildings, ground and personal property belonging to the Bloomingburg academy in said county, and distribute the net proceeds pro rata per share to the stockholders or their legal representatives.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Bloomingburg academy, of the village of Bloomingburg, in Fayette county, Ohio, be and the same are hereby authorized to sell and dispose of, at public or private sale, for the highest and best

price obtainable, the real and personal property belonging to and owned by the Bloomingburg academy, upon such terms as, in their judgment, will best subserve the interests of the stockholders therein, and to execute to the purchaser or purchasers, good and sufficient deeds of conveyance, and to receive the cash payments therefor and notes in due form of law for deferred payments (if any), secured by mortgage upon the premises sold; and after the payment by said trustees of all just and necessary expenses incurred in making said sale and the conveyance of the title to the purchaser or purchasers, and the payment of all the just debts of the said academy out of the proceeds of the sale, the trustees [shall] distribute the residue of money and notes (if any), arising from the sale to each of the stockholders or their legal representatives pro rata per share of the stock held by each.

SECTION 2. This act shall take effect and be in force on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1434.]

AN ACT

To authorize the township trustees of Painesville township, in Lake county, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Painesville township, in the county of Lake and state of Ohio, be and they are hereby authorized to transfer, from the general fund of said township, a sum not to exceed one thousand dollars, to the road fund, for improvement of the roads in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1435.]

AN ACT

To authorize the council of the incorporated village of Napoleon, Henry county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Napoleon, Henry county, Ohio,

be and is hereby authorized to transfer the sum of fifteen hundred dollars from the marshal and police fund to the general corporation fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1442.]

AN ACT

To authorize the trustees of the township of Elyria, Lorain county, to transfer funds to the village of Elyria, in said county.

SECTION 1: *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Elyria, in said county, be and they are hereby authorized to transfer from the treasury of said township to the treasury of the village of Elyria, in said township and county, so much of the fund arising from the levy made by them for cemetery purposes in the year 1888, as was assessed against and has been or shall be paid by the owners of property located within said village, which amount shall be apportioned by the auditor of Lorain county. Such money, when so transferred, shall be credited to such fund or funds in said village treasury as the council of said village shall, by resolution, direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1446.]

AN ACT

To authorize the council of the village of Ashland, in the county of Ashland, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Ashland, in the county of Ashland, state of Ohio, are hereby authorized to transfer from the real estate fund to the general fund of said village, the sum of three hundred dollars, and from

the Marion street fund to the street improvement fund of said village, the sum of two hundred and seventy-four dollars and twenty-eight cents, and from the marshal and police fund to the general fund of said village the sum of three hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[House Bill No. 1448.]

AN ACT

To authorize the trustees of Mill township, Tuscarawas county, to issue bonds for the purpose of sinking wells for natural gas or oil, and providing necessary main and service pipes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Mill township, Tuscarawas county, Ohio, be and the same are hereby authorized to issue the bonds of said township in any sum or sums, not exceeding five thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of providing funds to defray the expenses for sinking wells for natural gas or oil, and laying necessary main and service pipes therefor.

SECTION 2. The principal of such bonds shall be payable at such places and at such time, not exceeding ten years from date of issue, as the trustees of said township may determine, and the said trustees are hereby authorized and required to levy a tax upon the taxable property of said township, to pay said bonds and interest, but such tax shall not exceed three mills on the dollar in any one year.

SECTION 3. Said bonds shall be issued in sums as the trustees may determine. They shall be signed by the trustees and attested by the township clerk, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 4. This act shall take effect on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 9, 1889.

[Senate Bill No. 207.]

AN ACT

To authorize the city of Defiance, Ohio, to issue bonds to raise money for the purpose of sinking wells for natural gas, purchasing and laying mains and service pipes, and constructing the necessary buildings, fixtures and machinery, to supply the citizens thereof with natural gas, for public and private use and consumption, and to encourage manufacturing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city of Defiance, Ohio, by its council, be authorized to issue bonds in a sum not exceeding twenty-five thousand dollars, for the purpose of sinking wells for natural gas, purchasing and laying mains and service pipes, and constructing the necessary buildings, fixtures and machinery, to supply the citizens thereof with natural gas for public and private use and consumption, and to encourage manufacturing; said bonds to be signed by the mayor and countersigned by the clerk of said village, and to be for sums not less than one hundred dollars, nor more than five hundred dollars each, and bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, the principal and interest of said bonds to be payable at such bank or place as the council may direct; provided, that said bonds shall not be sold for less than their par value.

SECTION 2. That for the purpose of paying said bonds and interest thereon as the same become due, the council is hereby authorized and empowered to levy and assess a tax, in addition to all other levies authorized by law, on the taxable property of said village, annually, commencing with the year 1888 [1889], as shall be sufficient to pay principal and interest of said bonds as the same become due and payable after the application of net income of said works, and the money so raised shall not be used for any purpose other than paying said bonds and the interest thereon.

SECTION 3. Before said council shall issue said bonds, the proposition shall be submitted to a vote of the qualified electors of said village, at a special election to be called for that purpose, which election shall be conducted in all respects as municipal elections. The council, before submitting such proposition, shall provide by ordinance the rate of interest they shall bear, the amount of bonds to be issued, and within what time the same shall be redeemed or paid, and make the necessary provision for the proper expenditure of the proceeds thereof, which ordinance and a notice of said election shall be published in all newspapers published within said village for not less than two weeks prior to said election.

SECTION 4. Before submitting said question to a vote of the electors, the council of said village shall, on the nomination of the mayor, appoint five trustees, whose duty it shall be in case said bonds are issued, to sell the same, and take charge of the proceeds thereof, and expend the same for the purposes provided in this act; no more than three of said trustees shall be of the same political party, one of whom shall be appointed for one, one for two, one for three, one for four and one for five years; and said board shall have charge of the works provided for in this act, and shall hold their offices until their successors are elected and qualified.

SECTION 5. The tickets voted at said election shall have written or printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." And if the proposition to issue bonds be approved by two-thirds of those voting upon the proposition, the council

of said village shall have authority to issue such bonds for the purposes hereinbefore provided.

SECTION 6. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 513.]

AN ACT

To authorize the commissioners of Brown county to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Brown county, Ohio, be and they are hereby authorized to construct a free turnpike road, beginning at a point in the Bethel and New Hope pike, near the residence of Orman Dunn; thence south with or near the old road to the Smoky Row school house; thence southeast on a straight line to a stone in the New Hope and White Oak Valley road near the southeast corner of John McCall's farm; thence with the line of said road to the ford in White Oak creek; thence with or near the old road to White Oak Valley; thence south with or near the White Oak Valley road to the top of the hill on the farm of Joseph Hiler; thence southeast on a straight line to White Oak station on C. G. & P. R. R.; thence south with the line of White Oak Valley road to Walnut run bridge; thence east up the left side of a hollow to Tracy's station on C. G. & P. R. R.; thence on a line with the old road to the Georgetown and New Hope pike, terminating point.

SECTION 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said road; provided, said bonds shall not bear interest at a higher rate than six per cent. per annum, payable annually, and shall not be sold for less than their par value; provided, further, that said bonds may extend to such time as they can be paid at a levy of one-half of a mill on the dollar levy on the tax duplicate of said county.

SECTION 3. That said commissioners shall, before proceeding to construct said road, or any part of the same, require and secure from those interested in said improvement, a subscription or donation equal in amount to twenty per centum of the cost of said improvement, to aid in construction of the same.

SECTION 4. That for the purpose of paying said bonds the county commissioners are hereby authorized to levy and assess a tax, not exceeding one-half of a mill on the dollar, annually, on any and all taxable property in said county.

SECTION 5. And in locating said road said commissioners may locate the same upon the whole or any part of any county or township road heretofore laid out and established, and may widen, alter, change or vacate the same, or any part thereof; and shall have the power to lay out, locate

and survey such turnpike through any improved or unimproved lands, and are hereby authorized for that purpose to condemn and appropriate the necessary lands therefor, in pursuance of the laws of Ohio for the appropriation of private property for public purposes, and the payment of compensation therefor.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 535.]

AN ACT

To authorize the village of Shelby, Richland county, Ohio, to borrow money and issue its bonds therefor for the purpose of procuring territory, sink wells for natural gas, purchasing and laying pipes, and supplying said village and citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Shelby, in Richland county, Ohio, be and it is hereby authorized to issue its bonds for an amount not exceeding fifteen thousand dollars, for the purpose of procuring territory, sinking wells for natural gas, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery to supply such village and citizens thereof with natural gas for public and private use and consumption.

SECTION 2. Such bonds shall be issued by the council of such village in denominations not less than fifty nor more than five hundred dollars, payable in such times, not exceeding five years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine. They shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 3. No more of such bonds shall be issued or sold than is necessary for and required by the actual and necessary cost and expense of procuring territory, sinking such number of wells as may be required for the purpose named, the purchase and laying of pipes, and other necessary expenses; they shall be sold from time to time as the works progress, and in such amounts as shall be required and made necessary by the progress and for the proper completion of the works, and all proceeds and moneys arising from such bonds shall be used exclusively for, and applied to the payment of work, labor, material and other expense necessary for the supply of gas for the purpose aforesaid.

SECTION 4. All moneys collected or received by the council of such village from the village or citizens thereof for gas furnished and consumed for public or private use, and all net income, revenue and profits arising

therefrom, shall be pledged and applied to the payment of such bonds and interest, and the council of such village is hereby authorized to levy a tax annually, not exceeding five mills on the taxable property within said village in addition to the tax now by law authorized to be levied, in such amount as will each year be sufficient to pay the principal and interest then falling due on such bonds, and provide a sinking fund for the gradual extinguishment of such bonds as they become due.

SECTION 5. Provided, that no bonds shall be issued or sold or money expended under the provisions of this act, until the question of their issue and the expenditures of money for the purpose herein specified, shall have been submitted to the legally qualified voters of said village, at a general or special election to be hereafter held, of which submission and election at least twenty days' notice shall be given by the mayor, by publication in at least one newspaper of general circulation in the village, and proclamation of the mayor posted in public places in the said village. At the said election those who are in favor of the issuing of bonds shall have written or printed on their ballots, "Issue of gas bonds—Yes;" and those opposed shall have written or printed on their ballots, "Issue of gas bonds—No;" and if two-thirds of those voting at such election shall be in favor of issuing said bonds, then said bonds may be issued and sold according to the provisions of this act.

SECTION 6. This act to take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 556.]

AN ACT

To authorize the village of Yellow Springs and Miami township, Greene county, Ohio, to unite in the purchase of a site, and erect thereon a town hall, in said village, and to issue bonds for the purpose of raising money therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Yellow Springs and Miami township, in Greene county, Ohio, be and are hereby authorized to unite in the purchase of a site and the erection thereon [of] a town hall in said village; said hall to be owned by said village and township in such proportions as the council of said village and the board of trustees of said township may determine. And to meet the payment of said bonds and the interest thereon herein authorized to be issued to raise money for said purpose, said village and township be and are hereby respectively authorized to levy a tax yearly, so long as may be necessary, on the taxable property in each, not exceeding three mills on the dollar, to be collected as other taxes.

SECTION 2. The council of said village is hereby authorized to issue and sell at private sale, at not less than par, the bonds of said village, in any sum not exceeding seven thousand five hundred dollars, and in

denominations not exceeding one thousand dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually; and said bonds to be payable at such places, and at such times not exceeding fifteen years, from the date of issue, as said council may determine. And the trustees of said township are hereby authorized to issue and sell in like manner, at not less than par, the bonds of said township, in any sum not exceeding seven thousand five hundred dollars, in denominations not exceeding one thousand dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, and said bonds are to be made payable at such places, and at such times not exceeding fifteen years from the date of issue, as said trustees may determine, and the money arising from the sale of said bonds shall, so far as needed or may be necessary, be used for the purpose of defraying the expenses for the purchase of said site, and the erection thereon of said town hall, and said bonds shall be issued and sold in all respects not herein provided, according to law.

SECTION 3. Said bonds shall not be issued, nor tax levied for the same as herein provided, until the question of building a town hall shall have first been submitted to the voters of said village and township at a general or special election, of which at least ten days' notice shall have been given by publication in some newspaper of general circulation in said village and township. Said election to be held at the usual place of voting in said village and township, and at such time as the council of said village and the trustees of said township may appoint. The tickets voted at such election shall have printed or written thereon the words, "For town hall—Yes;" "For town hall—No." If the proposition for town hall shall be approved by a majority of all the voters voting at said election, the council of said village of Yellow Springs and the trustees of Miami township shall proceed to issue said bonds and levy said tax as provided for in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 557.]

AN ACT

Authorizing the city of Columbus to borrow money and issue bonds therefor, to pay debts and supply deficiencies in the police fund of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Columbus be and the said council is hereby authorized, for the purpose of paying off the floating indebtedness of said city, and of supplying the deficiency in the police department fund, to borrow a sum of money not exceeding sixty thousand dollars, and to issue the bonds of said city therefor, in denominations not less than five hundred nor more than one thousand dollars each, payable in not less than ten and not more than twenty years from date, and bearing interest at not to exceed the rate of six per cent. per annum, payable semi-annually.

SECTION 2. Of the proceeds of the sale of said bonds there shall be credited to the police fund, the sum of sixty thousand dollars, and any surplus arising from the sale of said bonds over and above said amount shall be paid into the general expense fund of said city.

SECTION 3. The city council of said city of Columbus shall levy, annually, on all of the property in said city, a tax not to exceed two and one-fifth tenths of one mill on the dollar to pay the accruing interest on such bonds, and to provide a sinking fund to pay said bonds at maturity, and such levy may be additional in rates and amount to the taxes authorized by law to be levied for any and all purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 573.]

AN ACT

To authorize the council of the village of Hubbard, Trumbull county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Hubbard, Trumbull county, Ohio, is hereby authorized to transfer five hundred and fifty dollars from the police fund to the general fund of said village; also, two hundred and fifty dollars from the police fund to the street lighting fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 579.]

AN ACT

To provide for certain road improvements in Greene county.

WHEREAS, The large expenditure of money out of the treasury of Greene county, for the benefit of portions of said county, for the most part,

other than the eastern portion, in the purchase of turnpikes, and the erection and maintenance of expensive bridges, has operated inequitably to said eastern portion; and

WHEREAS, The construction, at the expense of said county, in part of the improvements hereinafter provided for will tend to equalize taxation in said county on account of improved roads so purchased, and bridges; and

WHEREAS, Said improvements will be of general public, as well as of local utility; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of said Greene county are hereby authorized and required to cause so much of the South Solon road as lies between Greene and Madison county line and the Jamestown and Selma road, and so much of said Jamestown and Selma road as lies between the east end of the Federal road improvement and the corporation line of Jamestown, to be improved when the necessary proceedings have been instituted therefor, as hereinafter provided; eighty per centum of the cost and expense of such improvement to be borne by said county, and the residue to be levied or assessed upon the property or the lands benefited, and collected as hereinafter directed.

SECTION 2. Whenever the requisite steps by petition shall have been taken for the authorization and establishment of a free turnpike road out of said portion of said South Solon road, or said portion of said Jamestown and Selma road, or out of both said portions together (which is hereby authorized), in accordance with the provisions of Chapter 7, Title 7, of the Revised Statutes of Ohio, entitled, "one mile assessment pikes" (except as in this act otherwise provided), said county commissioners shall proceed to cause such free turnpike road, or roads, to be established and constructed in accordance with said provisions, except that eighty per centum of the cost and expense thereof shall be paid by said county as herein provided, and twenty per centum of the cost and expense thereof only shall be levied upon the lands and taxable property within the bounds of said road or roads, so to be laid out and established; and all and singular of said provisions of said chapter shall be operative and in force and shall be complied with, so far as applicable, in all respects as to said improvement or improvements, with the exceptions aforesaid.

SECTION 3. Whenever a petition shall be presented to said county commissioners, praying for the improvement of said portion of said South Solon road, or said portion of said Jamestown and Selma road, or of both said portions together (which is hereby authorized), and a bond filed as prescribed in section 4831 of said Revised Statutes, said county commissioners shall proceed in accordance with the provisions of Chapter 8 of said Title 7, of said Revised Statutes, entitled, "two-mile assessment pikes," to cause the improvement prayed for to be made (except as otherwise herein provided), and all and singular of the provisions of said Chapter 8 shall be operative and in force, and shall be complied with as to such improvement or improvements, which shall be made in accordance therewith, except that eighty per centum of the cost and expense thereof shall be borne by the said county as herein provided, and only twenty per centum thereof shall be assessed upon the lands assessable for the same; provided, that no land shall be subject to more than a single assessment in the aggregate for either or both said improvements, or for the same and any other like improvement provided for in the year 1889.

SECTION 4. For the purpose of providing money to meet said eighty per centum of the cost and expenses of said improvements when ordered, said county commissioners are authorized and directed, as the same are needed, to issue the bonds of said county, of the denominations of \$100.00 or multiples thereof, bearing interest not exceeding six per cent. per annum, payable semi-annually, at the treasury of said county, and sell the same to the best advantage, but not under their par value, placing the proceeds in the county treasury. Such bonds shall have such time to run as that one-tenth of a mill to the dollar levy yearly on the grand duplicate of said county shall raise sufficient money to pay off the same with interest as it accrues. And said commissioners shall annually levy a tax on all the taxable property of the said county of two-tenths of a mill to the dollar, or so much thereof as shall be needed to redeem such bonds and pay the interest thereon as the same may become due. The money so realized from said bonds shall be paid out of said treasury by the order of said commissioners on the warrant of said county auditor.

SECTION 5. This act shall take effect and be in force from its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 580.]

AN ACT

To authorize the commissioners of Greene county to make certain road improvements

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Greene county are hereby authorized and required to cause so much of the Jamestown and Waynesville road as lies between Jamestown and the New Jasper and Paintersville road, and so much of the New Jasper and Paintersville road as lies between the Jamestown and Waynesville and the Hussey turnpike road, to be improved when the necessary proceedings have been instituted therefor, as hereinafter provided, seventy-five per centum of the cost and expenses of such improvement to be borne by the county, and the residue to be levied or assessed upon the property or the lands benefited, and collected as hereafter directed.

SECTION 2. Whenever the requisite steps by petition shall have been taken for the authorization and establishment of a free turnpike road out of said portion of said Jamestown and Waynesville road, or of said portion of the New Jasper and Paintersville road, or out of both of said portions together, which is hereby authorized in accordance with the provisions of Chapter 7, Title 7, of the Revised Statutes of Ohio, entitled, one-mile assessment pikes (except as in this act otherwise provided), said county commissioners shall proceed to cause such free turnpike road or roads to be established and constructed in accordance with said provision, except that seventy-five per centum of the cost and expenses thereof shall

be paid by said county as herein provided, and twenty-five per centum of the cost and expenses thereof only, shall be levied upon the lands and taxable property within the bounds of said roads so to be laid out and established, and all and singular of said provisions of said chapter shall be operative and in force, and shall be complied with so far as applicable, in all respects as to said improvement or improvements, with the exceptions aforesaid.

SECTION 3. Whenever a petition shall be presented to said county commissioners, praying for the improvement of said portion of said Jamestown and Waynesville road, or said portion of the New Jasper and Paintersville, or of both said portions together (which is hereby authorized), and a bond filed as prescribed in section 4831 of said Revised Statutes, said county commissioners shall proceed in accordance with Chapter 8 of said Title 7, of said Revised Statutes, entitled, "two-mile assessment pikes," to cause the improvement prayed for to be made (except as herein otherwise provided), and all and singular the provision of said Chapter 8 shall be operative and in force, and shall be complied with as to such improvement or improvements, which shall be made in accordance therewith, except that seventy-five per centum of the cost and expenses shall be borne by said county, as herein provided, and only twenty-five per centum thereof shall be assessed upon the lands assessable for the same; provided, that no land shall be subject to more than a single assessment in the aggregate for either or both said improvements, or for the same and any other like improvements provided for in the year 1889.

SECTION 4. For the purpose of providing money to meet said seventy-five per centum of the cost and expenses of said improvements when ordered, said county commissioners are authorized and directed, as the same are needed, to issue the bonds of said county, of the denominations of \$100.00, or multiple thereof, bearing interest not exceeding the rate of six per centum per annum, payable semi-annually, at the treasury of said county, and to sell the same to the best advantage, but not less than their par value, placing the proceeds in the county treasury. Such bonds shall have such time to run as that one-tenth of a mill to the dollar levy yearly on the grand duplicate of said county shall raise sufficient money to pay off the same with interest as it accrues. And said commissioners shall annually levy a tax on all the taxable property of said county, of one-tenth of a mill to the dollar, or so much thereof as shall be needed to redeem such bonds and pay the interest thereon, as the same may become due. The money so realized from said bonds shall be paid out of said treasury by orders of said commissioners on the warrant of the county auditor.

SECTION 5. This act shall take effect and be in force on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 591.]

AN ACT

To authorize the commissioners of Athens county to levy a tax for and to build a county soldiers' monument.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Athens county, Ohio, be and are authorized to levy a tax on the taxable property of said county in the aggregate sum of ten thousand dollars (\$10,000), for the purpose and to be used in procuring a site for and in building a monument to the memory of the soldiers, sailors and marines who served from and to the credit of said county, for the preservation of the national government in the late civil war.

SECTION 2. Said levy shall be made on three different successive years, to-wit: one-third thereof on each of said three years; and the money so to be raised shall be expended in procuring said site and erecting said monument, and for no other purposes, under the management and direction of a board of five trustees, to be appointed by said board of commissioners, who shall serve without compensation, and whose term shall expire only on the completion of said monument; provided, said board of commissioners shall have power and are authorized to remove said trustees, or any of them, for good cause, and to fill any vacancy that may happen therein. Said board of commissioners may consult, in making said appointment of trustees, with "the soldiers' and sailors' monumental association of Athens county, Ohio," and may appoint the members of said association as aforesaid.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

WM. C. LYON,

President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 592.]

AN ACT

To divide Trimble township, Athens county, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Trimble township, Athens county, be and hereby is divided into three election precincts, as follows: Sections 1, 2, 7, 8, 13 and 19, and fractions 1, 7, 13, 19, 25 and 31, shall constitute a separate precinct, to be known as Trimble, with the voting place at the village of Trimble; sections 3, 4, 5, 6, 11, 12, 16, 17 and 18, and fractions 2, 3, 4, 5, 6, 12, and so much of fraction 36 as lies east of a straight line drawn south across said fraction 36, from the southeast corner of fraction 18, shall constitute a separate precinct, to be known as Glouster, with the voting place at the village of Glouster; and all that part of said township not included in the

precincts above described, shall constitute a separate precinct, to be known as Hollister, with the voting place at the village of Hollister.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 612.]

AN ACT

To authorize the county commissioners of Licking county, Ohio, to issue bonds to provide for the completing of the county jail of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Licking county, Ohio, be and they are hereby authorized and empowered to issue bonds of said county for the purpose of completing the county jail of said county, now in the process of erection, not exceeding in amount the sum of twenty thousand dollars. Said bonds shall be in the denomination of one thousand dollars each, bearing interest not exceeding six per centum per annum, payable semi-annually, and redeemable at such times as said commissioners may determine, but not exceeding twenty years from the date thereof, which shall not be sold for less than their par value; and for the purpose of paying the interest on said bonds and the principal of the same as they shall become due, there may be levied annually a sufficient tax upon all the taxable property of said county, in addition to the taxes authorized to be levied thereon by law.

SECTION 2. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[Senate Bill No. 613.]

AN ACT

To authorize the city council of the city of Marietta, Ohio, to construct a system of water-works for said city, and to issue the bonds of said city to provide for the payment therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Marietta, Washington county, Ohio, be and is hereby authorized and empowered to construct a system of water-works for said city, and to issue the bonds of said city in any sum neces-

sary to construct such system of water-works, but in no case to exceed one hundred thousand dollars, such bonds to bear interest at such rate, not exceeding five per cent. per annum, payable semi-annually, as such city council may, by resolution or ordinance, provide, and to be issued at such time or times, not exceeding three years from the passage of this act, and in such amounts, and to be of such denominations, as such city council may by resolution or ordinance provide, and the same to be made payable at such time or times as such city council may by resolution or ordinance provide, but in no case to be less than ten nor more than thirty years from the date of their issue, and which bonds shall not be sold for less than their par value, and accrued interest, in cash, the proceeds of which said bonds shall be used for the purpose of constructing and completing such system of water-works and paying expenses incident to such constructing and completing, and for no other purpose. The said bonds shall be signed by the mayor of said city, and the seal of said city shall be affixed thereto, attested by the clerk of said city; and when the said bonds, or any of them, are sold, the proceeds shall be paid to the treasurer of said city, who shall hold and disburse said proceeds as other city funds are by him held and disbursed.

SECTION 2. If any bonds of said city be issued as hereinbefore provided, the city council of said city is hereby authorized and required, annually thereafter, until the same, and interest thereon, shall be fully paid, to assess and levy a tax, on all the taxable property of said city, sufficient, in addition to any net income that may be derived from such water-works, to provide for the payment of the interest accruing upon the bonds so issued, and also to provide, by means of a sinking fund, or otherwise, for the payment of the principal of such bonds as they mature.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 10, 1889.

[House Bill No. 1415.]

AN ACT

To authorize the incorporated village of Celina, Mercer county, to borrow money and issue bonds therefor, for the purpose of sinking wells for natural gas, purchasing or leasing lands, upon which to sink wells, purchasing and laying pipes, or purchasing the gas plant of the Celina Light and Fuel company, and to supply the said village and the citizens thereof with natural gas for public and private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Celina, Mercer county, Ohio, be and it is hereby authorized to issue bonds, not exceeding eighty thousand dollars, par value, for the purpose of sinking wells for natural gas, purchasing or leasing lands in the Mercer county gas field, for the purpose of drilling wells for natural gas, purchasing and laying pipes, and

constructing the necessary buildings, fixtures and machinery, or to use said bonds, or so much thereof as may be necessary, to purchase the plant of "The Celina Light and Fuel company," their lands and leases, or so much of said lands and leases as may be necessary for the purpose aforesaid.

SECTION 2. Before said bonds, or any of them, shall be issued, the question of issuing the same shall be submitted to the qualified voters of said village, at a general or special election, to be held at such time as the council of said village shall appoint, and the tickets voted shall have written or printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by a majority of those voting upon the proposition, the village shall have authority to issue bonds for the purpose named in this act.

SECTION 3. The council of said village shall publish notice of the submission of such question in all newspapers published in said village for at least ten days prior to such election, and such election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in said village.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of said village in denominations not less than five hundred dollars, payable in such times, not exceeding fifteen years, as the council shall provide, with interest not exceeding six per centum per annum, payable semi-annually, principal and interest payable at such place or places as the council may direct. Said bonds shall express upon their face the purpose for which, the place where payable, and the act under which issued, and shall be signed by the mayor and countersigned by the clerk of the village, with the corporate seal of said village affixed thereto, and shall not be sold for less than their face value.

SECTION 5. No more bonds shall be issued and sold than is necessary for and required by the actual and necessary cost and expense in sinking wells, constructing a plant or plants, or the purchase of gas plant now existing, as may be required for the purposes mentioned in section one of this act.

SECTION 6. That if the village of Celina shall purchase the gas plant now existing in said village, the present rates of charges to consumers shall not be diminished until the bonds issued for the purchase of the same are fully paid off, and the money arising from the sale and use of gas shall, after deducting therefrom the current expenses of repairs, management and the sinking of new wells, and making all necessary connections, be set apart as a sinking fund to meet the interest and principal of said bonds, and shall not be used for any other purpose. And the council of said village is hereby authorized to levy a tax annually, not exceeding ten mills on the dollar, on the taxable property of said village, which shall be used as a sinking fund for the gradual extinguishment of said bonds; but nothing herein shall be so construed as to prohibit the town council from donating gas to manufacturers for a period of five years from the date of contract, for manufacturing purposes, provided the same can be done without interfering with the consumption of gas to private consumers.

SECTION 7. That the said council shall have power to consolidate any plant constructed by the village of Celina, with the gas plant of the Celina Light and Fuel company, or any other company hereafter created,

upon such terms as may be agreed upon between said the Celina Light and Fuel company, or such other company, and the council of said village.

SECTION 8. This act to take effect from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[Senate Bill No. 545.]

AN ACT

To divide Clayton township, Perry county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Clayton, in the county of Perry, and state of Ohio, be and the same is hereby divided into two election precincts, as follows, to-wit: Sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), fourteen (14), fifteen (15), sixteen (16), the north half of section twenty-two (22), and all of section twenty-three (23), shall constitute one election precinct, and be known as the "Redfield precinct" of said township; and that the balance of said township not above described shall constitute the other precinct, and be known as "Rehoboth precinct" of said township; and the elections in said precincts shall be held, respectively, in the villages of Redfield and Rehoboth in said township.

SECTION 2. This act shall take effect and be in force from and after the first day of July, 1889.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 661.]

AN ACT

To open, grade and macadamize Glen Lyon avenue, Hamilton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, upon the written application of any person owning four hundred feet front on Glen Lyon avenue, shall proceed to open, grade and macadamize said avenue (as dedicated and appears of record), beginning at the north end thereof, and continuing south to Clinton street; and for the purpose of making said improve-

ment the said commissioners are hereby authorized and required to issue bonds, in an amount not exceeding twelve thousand dollars; said bonds may be in denominations of not less than \$100 nor more than \$1,000, bearing interest not exceeding five per cent. per annum, payable semi-annually, and redeemable at such time as the commissioners may determine, but not exceeding ten years from date, and shall not be sold for less than par; and to meet the principal and interest on said bonds, there shall be levied, annually, a sufficient tax on the property benefited, to be assessed and prorated against each lot and parcel of land according to expense of opening, grading and macadamizing, the same to be ascertained by the county engineer and county commissioners. That the money arising from the sale of said bonds shall not be transferred or diverted to any fund, but the surplus, if any, shall be reserved by said commissioners for the benefit of said road.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 1007.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to construct a certain free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clermont county, Ohio, be and they are hereby authorized to construct the following free turnpike road, to wit: Beginning at the village of Neville, in Clermont county, Ohio; thence along the line of the public road through lands owned by Capt. Fred Neiman, Sallie T. D. Clark, N. S. Hill, John Jarmon and others, to Maple creek; thence up Maple creek via Maple Dell school house, McKendree chapel, along the line of the public road to where it intersects the Felicity and Moscow free turnpike road at or near Penn's school house, in Franklin township, Clermont county, Ohio.

SECTION 2. In locating and laying out said road, the said county commissioners shall have power to locate the same upon the road or any part of any county or township road heretofore laid out and established, and to widen, alter, or change, or vacate the same, or any part thereof; and shall have power to lay out, locate and survey such turnpike through any improved lands, and are hereby authorized for that purpose to condemn and appropriate the necessary land therefor in pursuance of the laws of Ohio, for the appropriation of private property for public purposes, and the payment of compensation therefor; said road shall be opened not more than sixty nor less than thirty feet wide.

SECTION 3. Said commissioners may, if they deem best, issue bonds for the construction of said road; provided, that said bonds shall not draw

interest at a higher rate than six per centum per annum, payable semi-annually, and shall not be sold for less than their par value; provided further, that said bonds may extend to such time as they can be met by a levy of two-tenths of one mill on the dollar, on the tax duplicate of the county.

SECTION 4. Said commissioners shall, before proceeding to the construction of said road, or any part thereof, require and secure from those interested in said improvement, a subscription or donation, equal in amount to twenty per centum of the cost of said improvements to aid in the construction of said road.

SECTION 5. For the purpose of paying said bonds the county commissioners are hereby authorized to levy and assess a tax, not exceeding two-tenths of one mill on the dollar, annually, on all taxable property in said county, in addition to taxes now authorized by law.

SECTION 6. That a majority of said board of county commissioners shall be necessary, at any regular session, to agree upon specifications, and order said improvement or any part thereof.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 1029.]

AN ACT

To authorize the trustees of Wayne township, Jefferson county, to purchase land, and erect thereon a tool-house for the use of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Wayne township, Jefferson county, be and they are hereby authorized and empowered to purchase land, and erect thereon a tool-house for the use of said township.

SECTION 2. Should the owner of the land selected for the location of said tool-house, and the trustees of said township, be unable to agree upon a price for said land, the trustees may appropriate land therefor, not exceeding one acre, by proceedings in accordance with the provisions of law regulating the appropriation of private property by municipal corporations; and the township trustees are authorized to pay for the same out of the township fund of said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 10, 1889.

[House Bill No. 1196.]

AN ACT

To amend an act entitled "an act to establish a special school district in Osnaburg township, Stark county, Ohio," passed April 14, 1888 (O. L., vol. 85, p. 541).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above entitled act be so amended as to read as follows:

Sec. 1. A special school district in the township of Osnaburg, Stark county, Ohio, to be known as The Mapleton Special School District, is hereby established in and for the following described territory, to-wit: All that part of the south half of section 23 heretofore embraced in sub-district No. 4 of said township, the whole of section 26, except the east half of the southeast quarter thereof, the whole of section 27, the east half of section 28, the whole of section 34, and the west half of section 35, of said Osnaburg township, in Stark county.

Sec. 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses, in accordance with the enumeration of the year 1887 of school children entitled to attend school, said funds being those now collected within the township or county treasuries, and shall be governed by such laws as now are or may hereafter be enforced relating to special school districts. All money which has been collected by the county treasurer of said Stark county for what was known as Mapleton Special School District, as created by the act of April 14, 1888 (O. L., vol. 85, p. 541), for persons living in sections No. 21 and 22 of said township, and that part of section 23 heretofore included in sub-district No. 10 in said township, shall be refunded to the board of education of said township, for the benefit of the sub-district to which said sections belonged prior to April 14, 1888.

SECTION 2. Said original act, passed April 14, 1888 (O. L., vol. 85, p. 541), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1272.]

AN ACT

To authorize the commissioners of Stark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Stark county, Ohio, be and are hereby authorized to transfer six thousand (\$6,000.00) dollars from the sheep fund to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1377.]

AN ACT

To authorize the city council of Bucyrus, Crawford county, to borrow money and issue bonds therefor, for the purpose of erecting a city building or hall in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Bucyrus be and is hereby authorized to issue the bonds of said city for an amount not exceeding forty thousand dollars (\$40,000), for the purpose of erecting a city building or hall in said city.

SECTION 2. Before such bonds or any of them shall be issued by said city council, the question of issuing the same shall be submitted to a vote of the qualified electors of said city, at any municipal or general election, or at a special election that may be called for that purpose by said city council, of which election ten days' notice shall be given by the mayor in two newspapers of general circulation in said city, and if a majority of the ballots cast at such election be in favor of such improvement, then, and not otherwise, shall the council of said city be authorized to issue said bonds herein provided. Those voting in favor of the issue of said bonds shall have written or printed on their ballots the words, "City hall bonds—Yes;" and those voting against the issue of said bonds shall have written or printed on their ballots the words, "City hall bonds—No." For the purpose of carrying out the provisions of this act, said city of Bucyrus and its officers shall be exempted from the provisions of section 2563 of the Revised Statutes of Ohio, as amended March 11th, 1884.

SECTION 3. Said bonds, when so authorized, shall be issued according to the provisions of an ordinance to be by the city council passed for that purpose, in denominations not less than five hundred dollars, and not more than one thousand dollars, payable at such times and places as may by said ordinance be provided for, with interest not to exceed six per cent. per annum. Said bonds shall in all cases express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of said city, with the seal thereof impressed thereon, and shall be sold according to law, and for not less than their face value.

SECTION 4. And the council of said city is hereby authorized to levy a tax, annually, not exceeding two mills on the dollar valuation on the taxable property within said city, in addition to the tax now by law authorized to be levied therein, in such amount as will each year be sufficient to pay the principal and interest falling due on such bonds, and such levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SECTION 5. No more of said bonds shall be issued or sold than is necessary for, and required by the necessary cost and expense of erecting said city building or hall, and all moneys or proceeds arising from such bonds shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary in completing said building or hall.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1392.]

AN ACT

To authorize the board of education of the village district of New Carlisle, Clarke county, to levy an additional tax for the purpose of purchasing a library for the use of the public schools and school children in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village district of New Carlisle, Clarke county, Ohio, be and is hereby authorized to levy a tax on all the taxable property within said district for the year 1889, not exceeding two mills on the dollar, in addition to the levy now authorized by law, for the purpose of purchasing a library for the use of the public schools and school children in said district; said library to be under the control and management of said board of education.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1416.]

AN ACT

To repeal an act authorizing the village of West Unity and the township of Brady, Williams county, Ohio, to build a town hall, passed March 14, 1888 (O. L., vol. 85, page 413).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act recited in the above title be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1417.]

AN ACT

To create a special school district for the village of Mt. Oreb and vicinity, in Brown county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following described territory, to-wit: Beginning at the center of the Ohio and Northwestern railroad, at the crossing of a township road in Sterling township, Brown county, Ohio; thence with the center of said R. R. N. 72° W. 210½ poles, to a stake in R. R. corner to land of Chas. Thomas, in the line of Bodman; thence with line of Thomas, S. 15° W. 138 poles to a stake in Williamsburg and Mt. Oreb turnpike; thence S. 46° E. 283½ poles to corner of Ed. Boyd and James Day in county road, crossing tp. line into Pike township at 175 poles; thence with county road S. 74° E. 150 poles to a stump; thence S. 71° E. 152 poles to a stake in county road, 5 poles east of Sterling creek; thence S. 14° W. 142 poles to a forked buckeye tree on east bank of said creek; thence S. 74° E. 92 poles to a stake in the Mt. Oreb and Georgetown turnpike; thence N. 71° E. 623 poles to a forked locust on the south side of county road running east from Mt. Oreb; thence N. 3° W. with Patton's line 112 poles to a stake in Patton's line, and crossing township line into Green township; thence N. 60° W. 350 poles to a white oak, corner to Simon Carpenter and Trisler; thence with Trisler's line N. 31° E. 82 poles to Trisler's corner; thence with another of Trisler's lines N. 47° W. 162 poles to corner of Day and Trisler in the county road; thence S. 48° W. 167 poles, to corner in Mt. Oreb and Fayetteville turnpike 4 poles north of Benton bridge; thence W. 207 poles to Elm; thence N. 70° W. 178 poles, to a stake in county road; thence with said road S. 15° W. 54½ poles to the beginning, shall be and the same is hereby created and declared to constitute a special school district; provided, however, that the proposition shall be submitted to a vote of the electors residing within said territory, at an election held in the following manner.

SECTION 2. Written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least two hours, and shall not close before four o'clock P. M. The electors in favor of the proposed special school district shall have written or printed upon their ballots, "Special school district—Yes;" those opposed thereto, "Special school district—No;" and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SECTION 3. Should a majority of all the ballots cast at said election be found in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members to constitute a board of education, one to serve until the third Monday of April next succeeding his election, and one to serve for one year, and one for two years from said third Monday, and until the election and qualification of their successors;

and on the second Monday of April of each year following the first election of the board of education, there shall be elected one member to serve for three years, and until his successor is elected and qualified.

SECTION 4. Said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for school house and incidental expenses, in accordance with the enumeration of the year 1888, of children who are entitled to attend school; said funds being those now collected within the county or township treasury, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1419.]

AN ACT

To create the township of Ridge, in the county of Wyandot, a separate road district for macadamizing and improving the roads and highways in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Ridge township, in Wyandot county, be and the same is hereby constituted and made a separate and independent road district for the purpose of macadamizing and improving the roads and highways in said township and for no other purpose, independent of, and free from the operation of existing laws relating to the improvement of roads and highways.

SECTION 2. The trustees of Ridge township, Wyandot county, for the purpose of macadamizing and improving the roads and highways in said township so constituted and made a special and independent road district by the provision of section 1 of this act, be and they are hereby authorized to assess and levy upon the taxable property of said township, annually, a tax not exceeding seven mills on the dollar for the term of twenty years, beginning with the year 1889 and ending with the year 1909, and for no other purposes. Said tax so hereby authorized to be assessed and levied shall be collected as other taxes upon the grand duplicate of the county and shall be paid in money, and shall be a township road fund under the exclusive supervision, control and application of the trustees of said township and to be applied by them in macadamizing and improving the roads in said township so constituted and made a special road district by the provisions of section 1 of this act.

SECTION 3. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1421.]

AN ACT

To authorize the incorporated village of Clarington, Monroe Co., Ohio, to issue bonds to make improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Clarington, Monroe county, Ohio, by its council be authorized to issue bonds in a sum not exceeding ten thousand dollars, for the purpose of improvements in said village. Said bonds to be signed by the mayor and countersigned by the clerk of said village, and to be for sums not less than one hundred dollars nor more than five hundred dollars each, and bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, the principal and interest of said bonds to be payable at the corporation treasurer's office in said village; provided, that said bonds shall not be sold for less than their par value.

SECTION 2. That for the purpose of paying said bonds and interest thereon, as the same become due, the council is hereby authorized and empowered to levy and assess a tax, in addition to all other levies authorized by law, on the taxable property of said village, annually, commencing with the year 1889, as shall be sufficient to pay principal and interest of said bonds as the same become due and payable; provided, that only the interest on said bonds shall be made payable by said council for the year 1889, and 1890. And the money so raised shall not be used for any purpose other than paying said bonds and the interest thereon; provided, that the question of issuing said bonds shall first be submitted to a vote of the qualified electors of said village, at a special election held in said village, ten days' notice whereof shall be given by publication in the village newspaper, or by posting written notices in five public places in said village, or both; and if a majority of the votes cast at said election shall be in favor of issuing said bonds, the council shall have the authority to issue the same as herein before provided.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1436.]

AN ACT

To authorize the council of the village of Deshler, Henry county, Ohio, to borrow money and issue bonds therefor, for the purpose of defraying the expenses of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Deshler, Henry county, Ohio, be and is hereby authorized to issue bonds not exceeding in amount four thousand dollars, for the purpose of defraying the expenses of said village.

SECTION 2. Said bonds shall be signed by the mayor and countersigned and registered by the clerk of said village; and may be issued in denominations not less than fifty nor more than five hundred dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, and said bonds to run for such length of time, not exceeding ten years, and to come due in such installments as may be determined by said council; said bonds and the interest thereon to be payable at such place as said council may direct.

SECTION 3. Said council is hereby authorized to levy a sufficient tax to meet any indebtedness incurred under this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1437.]

AN ACT

Supplementary to an act entitled "an act to authorize the commissioners of Henry county to improve the roads of said county," passed March 24, 1886 (Ohio Laws, vol. 83, page 279).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners named in the act to which this is supplementary are authorized to purchase any land necessary for the widening or straightening of any road to be improved under said act, and to purchase or lease any lands in said county for gravel to improve said roads, and to make any ditch or ditches necessary to drain any gravel bank, gravel bed or other deposit of gravel, owned or leased by them, and in order to construct such ditch or ditches, said commissioners shall file a petition in the probate court of said county, setting forth the object and necessity of such ditch or ditches, and a description of the route thereof, and the probate judge shall fix a time for the hearing of such petition and cause notice thereof to be given to each person whose lands will be affected thereby, and in case the probate judge shall find such ditch or ditches necessary for the drainage of such gravel bank, gravel bed or other deposit of gravel, he shall appoint three judicious, disinterested freeholders of the county to go upon the line of such proposed ditch and view the same and make an estimate of, and award to such landowners, damages and compensation for their lands, which shall be paid into said court for such landowners before constructing said ditch; and any person or corporation aggrieved thereby may give bond as required by section 4463 of the Revised Statutes, and then the cause shall be tried by a jury in said court in the same manner as if appealed from the county commissioners; and the viewers and probate judge shall be allowed the same fees as in like proceedings before the county commissioners.

SECTION 2. When said commissioners are unable to purchase of, or contract with the owner of any land needed for the widening or straight-

ening of any road improved under the act to which this is supplementary, or with the owner of any gravel bank, gravel bed or other deposit of gravel or other material, in the judgment of said commissioners necessary for the improvement of said roads within said county, upon fair and equitable terms, or in case the owner refuses to sell or contract with said commissioners, for the sale of such lands, gravel or other material, upon the commissioners agreeing to allow a just and reasonable compensation therefor, then they are authorized and empowered to condemn for public use said land or material in such quantities as in their judgment will be necessary for said roads, and for such condemnation the same proceedings shall be had which are provided for the appropriation of private property by municipal corporations.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1440.]

AN ACT

To authorize the trustees of the township of Norwich, Huron county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Norwich township, Huron county, be and they are hereby authorized to transfer the sum of seven hundred dollars from the township fund, and the sum of two hundred dollars from the cemetery fund of said township, to the road fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No 1441.]

AN ACT

To authorize the village of Elyria to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Elyria be and it is hereby authorized to transfer not exceeding one thousand dollars from the general fund of the treasury of said village to the fire and water fund thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1443.]

AN ACT

To divide the township of Oregon, county of Lucas, and state of Ohio, into election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all that part of Oregon township, Lucas county, Ohio, lying south of the Wheeling and Lake Erie railroad, and west of the center of section one, twelve, and thirteen, town ten, south, range eight, east, be and the same is hereby created into an election precinct, to be known as precinct one. That portion lying north of said Wheeling and Erie railroad, and west of the center of section twenty-four, twenty-five, and thirty-six, town nine, range eight, and west of the center of section one, town ten, range nine, be and the same is hereby created into an election precinct, to be known as precinct two. That portion east of precinct one and two and west of the east line of section seventeen, eight and five, town ten, range nine, and also west of the east line of section thirty-two, twenty-nine and twenty, town nine, range nine, be and the same is hereby created into an election precinct, to be known as precinct three. All of said Oregon township east of precinct three shall be known as precinct four.

SECTION 2. That an act entitled "an act to create a new election precinct in the township of Oregon, in the county of Lucas," passed February 12, 1887, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 THEO. F. DAVIS,
President pro tem of the Senate.

Passed April 10, 1889.

[House Bill No. 1444.]

AN ACT

To authorize the trustees of Staunton township, in Miami county, Ohio, to sell the township house and part of the grounds thereto belonging, and to build a new township house thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Staunton township, Miami county, Ohio,

be and they are hereby authorized to sell, at public auction or private sale, the township house and so much of the grounds thereto belonging, as they may deem proper, reserving however a sufficient amount of the grounds to build a suitable building thereon for township purposes; and that out of the proceeds of said sale, they are hereby authorized and required to build a new township house, on that part of the grounds so reserved by them, on the site now owned and used for such purposes in said township.

SECTION 2. That before said sale shall be made as provided in the first section of this act, the township trustees shall give notice, by either a written or a printed notice or by publication in some newspaper of general circulation within the county, for at least ten days before said sale, and that when any such sale is made, the trustees of said township shall execute to the purchaser thereof their deed of that date, which deed when properly executed, shall invest the purchaser with all the rights and privileges of ownership that was theretofore possessed by said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1445.]

AN ACT

To authorize the council of the incorporated village of Cardington to issue bonds for gas purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Cardington, Morrow county, Ohio, be and the same hereby is authorized to issue the bonds of said village in any sum or sums not exceeding thirty-five hundred dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of providing funds to defray the expense of sinking well or wells for natural gas, and laying necessary mains and service pipes therefor.

SECTION 2. The principal of said bonds shall be payable at such place, and at such times, not exceeding five years from date of issue, as the council of said village may, by ordinance, determine; and the said council is hereby authorized to levy a tax upon all the taxable property of said village to pay said bonds and interest, but such tax shall not exceed two mills on the dollar in any one year.

SECTION 3. Said bonds shall be issued in such sums as the council may, by ordinance, determine; they shall be signed by the mayor and countersigned by the clerk of said village, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 4. The question of issuing such bonds shall first be submitted to a vote of the qualified electors of said village at a general or

special election held in said village, of which ten days' notice shall be given by publication in a newspaper published in said village and notices posted in five of the most public places in said village. Those in favor of issuing said bonds shall vote, "Gas well bonds—Yes;" and those opposed to issuing said bonds shall vote, "Gas well bonds—No." If two-thirds of the votes cast at said election are in favor of issuing said bonds, then the council shall proceed to issue said bonds as provided in this act, and not otherwise.

SECTION 5. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1447.]

AN ACT

To authorize the city of Fostoria, in Seneca and Hancock counties, to issue bonds for the purpose of providing said city with water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Fostoria, in Seneca and Hancock counties, Ohio, be and said city council is hereby authorized and empowered to issue, from time to time, the bonds of the city for any sum, not exceeding in the aggregate, two hundred thousand dollars, running for such length of time as may be deemed proper, not exceeding twenty years, and bearing a rate of interest not exceeding five per centum per annum, for the purpose of providing said city with water-works.

SECTION 2. Said bonds shall be designated water-works bonds, and shall be signed by the mayor and countersigned by the clerk of said city, and shall be sold under the direction of the council of said city, at not less than par, and the proceeds shall be applied exclusively to the above named purpose.

SECTION 3. Before said council shall issue said bonds, the proposition shall be submitted to a vote of the qualified electors of said city, at a special election called for that purpose, by giving notice thereof for ten days previous thereto by publication in two newspapers published and of general circulation in said city of Fostoria. The election shall be held at the usual places of holding elections in said city, and all the persons favoring said proposition shall have written or printed on their ballots, "Issue water-works bonds—Yes;" and those opposed to said proposition shall have written or printed on their ballots, "Issue water-works bonds—No;" and should a majority of the electors voting upon said proposition vote "yes," then said council shall be authorized to issue said bonds, as provided in this act.

SECTION 4. This act to take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[House Bill No. 1492.]

AN ACT

To authorize the council of the incorporated village of Cambridge, Guernsey county, to issue bonds for the purpose of general improvement and benefit of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Cambridge, Guernsey county, Ohio, be and are hereby authorized to borrow not to exceed forty thousand dollars (\$40,000), to be applied to the general improvement and benefit of said village.

SECTION 2. That for the purposes of meeting the expenses aforesaid, the said council of the incorporated village of Cambridge, Ohio, is authorized to issue bonds, to be signed by the mayor and attested by the Clerk of said village, in denominations of not less than five hundred dollars (\$500), and not more than one thousand dollars (\$1,000), bearing interest at a rate not to exceed six per cent. per annum, payable annually; said bonds to be payable at such time or times, not exceeding twenty-five years from their respective dates thereof, as said council may determine, which said bonds shall not be sold for less than their par value, and to be sold without compensation or commission, and said bonds may, in the discretion of said council, have interest coupons attached, and said bonds and interest shall be payable at the village of Cambridge, Ohio.

SECTION 3. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said council is hereby authorized and empowered to levy on all the taxable property of said village of Cambridge, Guernsey county, Ohio, a tax for such an amount annually, not exceeding two mills above the maximum authorized by the general laws, which levy shall be placed on the duplicate by the auditor of said county, collected as other taxes, and when collected paid over to the treasurer of said village.

SECTION 4. The act to authorize the council of the incorporated village of Cambridge, Guernsey county, Ohio, to issue bonds for the general improvement and benefit of said village, before the same shall become a law, the act shall first be submitted to a vote of the qualified electors of the incorporated village of Cambridge, and if said act be ratified and affirmed by three-fifths of all the votes for or against said act, at any general election held within the corporate limits of the said village of Cambridge, or by a special election to be called by council to vote upon said act, and the propositions therein, and if the act be ratified as aforesaid, the same shall take effect and be in full force when ratified by said three-fifths vote of the electors aforesaid.

SECTION 5. This act shall take effect and be in full force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 11, 1889.

[Senate Bill No. 623.]

AN ACT

To authorize and direct the boards of education of Knox and Vinton townships, of Vinton county, to levy a tax to pay for their proportion of the money already expended for the construction of a school house, and tuition and current contingent expenses, for the years 1881, 1882, 1883, 1884, 1885, 1886 and 1887, in joint sub-district No. 9, composed of parts of Madison, Knox and Vinton townships, in said county.

WHEREAS, In September, 1881, a certain joint sub-district was established in Vinton county, Ohio, and is now known as joint sub-district No. 9, composed of parts of Madison, Knox and Vinton townships, of said county; and

WHEREAS, The school house in said district is situated in Madison township, and, because of the want of certain formalities, the school youth were not enumerated in said district, and the burden of the construction of a school house, and tuition and all expenses, have been borne alone by Madison township, since September, 1881, to and including the year 1887, amounting to the sum of \$1,591.51; and

WHEREAS, The townships of Knox and Vinton have had the benefit of said amount so expended, in proportion as the school youth of each of said townships in said joint sub-district bear to the whole number of the school youth in said joint sub-district, and should bear their yearly proportion of said sum of \$1,591.51; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the boards of education of said townships are hereby authorized and required to take such steps as will ascertain, with reasonable certainty, the number of the school youth of their respective townships, within said joint sub-district No. 9, in Madison township, for each year, beginning with the year 1881, and including the year 1887; and that the boards of education of Knox township and Vinton township are authorized and required forthwith to make such a levy upon the property of their respective townships as will fully liquidate and pay their full proportion of the sum of \$1,591.51, the aggregate of the principal debt for building a school house, and the tuition and contingent expenses, for said sub-district, for the years beginning September 1, 1881, to and including the year 1887. The share of each township shall be in proportion as the number of the school youth of said township residing in said joint sub-district No. 9 shall bear to the whole number of the school youth of said joint sub-district, for each of the years beginning September 1, 1881, to and including 1887.

SECTION 2. The boards of education of said townships of Knox and Vinton may distribute the levy in their respective townships required by the provisions of this act, over such number of years as a majority of the board shall decide, taking care, however, to provide a means to pay the interest on the sum due until paid.

SECTION 3. This act to take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 11, 1889.

[House Bill No. 850.]

AN ACT

To amend sections 1, 6, 7 and 8 of an act passed April 11, 1888 (Ohio Laws 85, p. 528), "authorizing the commissioners of Hamilton county to improve the Cincinnati, Oakley and Madison avenue."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 6, 7 and 8 of an act passed April 11, 1888, to authorize the county commissioners of Hamilton county to improve the Cincinnati, Oakley and Madison avenue, and for other purposes, be amended so as to read as follows:

Sec. 1a. That the county commissioners of Hamilton county are hereby authorized and directed to improve, as herein provided, the Cincinnati, Oakley and Madison avenue, commencing at the intersection of the line of the Madison turnpike with the north corporation line of the city of Cincinnati; thence running northeastwardly with the line of said turnpike to the Brotherton road at Oakley; thence with the line of said Brotherton road to the corporation line of Madisonville, a distance of about eighteen thousand feet, and to a width of sixty feet.

Sec. 6. The said commissioners, in addition to their other powers of taxation, are hereby authorized and directed to levy and collect in the grand levy of taxes on the taxable property of said county on the duplicate for the year 1889, a tax of $\frac{1}{4}$ of a mill on the dollar; for 1890, $\frac{1}{2}$ of a mill; the fund to be credited to the said "Cincinnati, Oakley and Madison avenue fund," and to be exclusively applied to the improvement of said avenue, as herein provided; and no part of said fund to be transferred to any other fund.

Sec. 7. The said county commissioners shall have exclusive and final action and jurisdiction under this act in making said improvement and the levy therefor. The commissioners may begin the construction of said avenue, with full authority to contract the same, at any time, from and after the passage of this bill, in anticipation of said levy.

SECTION 2. Said original sections 1, 6, 7 and 8 shall be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 11, 1889.

[House Bill No. 1204.]

AN ACT

To authorize and empower the incorporated village of Milton, Miami county, Ohio, to borrow money and issue bonds to purchase or lease grounds and drill for gas, or pipe gas, as may be deemed necessary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Milton, of Miami county, Ohio, be and said council is hereby authorized and empowered to borrow money, issue the bonds of said village and sell the same, not to exceed three thousand dollars in amount, and to use the proceeds thereof in purchasing or leasing grounds and drilling a gas well or piping for same.

SECTION 2. Such bonds shall be in such sums and payable at such time or times, not exceeding ten years, as said council shall determine. The bonds shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof; said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be authenticated by the seal thereof, and a complete record of the same shall be kept by the clerk.

SECTION 3. For the payment of the bonds and the interest thereon, said council shall levy a tax, in addition to the amount otherwise authorized, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due that year, and the accruing interest thereon.

SECTION 4. Before any bonds are issued and tax levied, as provided by this act, the question of issuing the bonds shall be submitted to the qualified electors of said village, at an election to be held at such time after the passage of this act as the council may determine; and ten days' notice of such election and submission shall be given by the mayor of said village by posting up notices in five public places in said village, stating the amount of bonds to be issued, the purpose for which they are issued, and the time and place of holding the election; and if a majority of the electors voting at such election, upon the question of issuing the bonds, vote in favor thereof, then the bonds may be issued and the tax levied. Those in favor of the proposition shall have written or printed on their ballots the words, "For the issue of bonds;" and those voting against the same, the words, "Against the issue of bonds."

SECTION 5. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections, and the clerks and judges of said election shall certify to the city council of said village, the result of the same. If a majority of the electors voting at said election vote in favor of said proposition, the council shall, as soon as convenient, advertise in at least two newspapers published in said county, for a period of not less than three weeks, for sealed bids for the sale of said bonds, as a whole or in lots, as said council may determine, and shall award the same to the highest bidder; provided, that said council may reserve the right to reject any or all bids, and in case of rejection may proceed to re-advertise and sell until a sale is effected as by this section.

SECTION 6. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1292.]

AN ACT

To authorize the city of Columbus to issue bonds for the construction of a bridge across the railroad tracks from Lazelle street to Buckeye street.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city of Columbus be and is hereby authorized and empowered to issue bonds in any sum not exceeding fifty thousand dollars (\$50,000), in addition to the amount heretofore authorized, in the denomination of one thousand dollars each, to run for such a period, not exceeding twenty years, as the council of said city may determine, and to bear interest at a rate not to exceed six per centum per annum, for the purpose of constructing a bridge, and approaches thereto, across the railroad tracks from Lazelle street to Buckeye street.

SECTION 2. The city council of said city of Columbus shall levy, annually, on all the property in said city, a tax sufficient in rate and amount to pay the accruing interest on such bonds, and to provide a sinking fund to pay said bonds at maturity; and such levy may be additional in rate and amount to the taxes authorized by law to be levied for any and all other purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1357.]

AN ACT

To authorize the village of Hartwell, Hamilton county, to borrow money to construct a system of drainage in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Hartwell, in the county of Hamilton, be and hereby is authorized to borrow money, not exceeding twenty-five thousand dollars, for the purpose of constructing a system of drainage in said village; and the council of said village is hereby empowered to issue bonds of the village for the money so borrowed, said bonds to bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and said bonds shall be of such denominations, and shall mature at such times as the council may determine; provided, said bonds shall not be sold for less than their par value.

SECTION 2. The said bonds shall not be issued by said council until the question shall have been submitted to a vote of the qualified electors of said village, at a general election, or a special election, of which not less than ten days' notice shall be given by publication in some newspaper of general circulation in said village; and at said election all those desiring to vote in favor of issuing said bonds shall have written or printed on their

ballots the words, "Issue of bonds for drainage—Yes;" and all voters desiring to vote against said issue of bonds shall have written or printed on their ballots the words, "Issue of bonds for drainage—No;" and if a majority of all the votes cast at such election be in favor of the issue of said bonds, then said council may proceed as authorized in section one of this act, and not otherwise.

SECTION 3. And if the authority to issue said bonds is ratified by the electors of said village, as provided for in section two of this act, said council is hereby empowered to levy such amount of tax upon the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of such bonds when the same become due; said tax to be levied and collected in the manner as taxes for general purposes are levied and collected.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1452.]

AN ACT

To authorize the town council of the incorporated village of Wilmington, Ohio, to borrow money and issue bonds therefor, for the purpose of sinking wells for natural gas, and buying and laying pipes, and supplying said incorporated village and the citizens thereof with natural gas for public and private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Wilmington, Ohio, are hereby authorized to issue its bonds for an amount not exceeding seven thousand five hundred dollars, for the purpose of sinking wells for natural gas, buying and laying pipes, and constructing the necessary buildings, fixtures and machinery to supply said village and the citizens thereof with natural gas for public and private use.

SECTION 2. Before any such bonds shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village at a special election, to be held at such time as the council of said village shall appoint. The tickets voted shall have printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by two-thirds of those voting upon the proposition, the village shall have authority to issue said bonds for the purpose named, as provided in this act.

SECTION 3. The council of said village shall publish notice of the submission of such question in a newspaper published in said village, for at least ten days prior to such election, and said election shall be held, in all respects, not otherwise herein provided, as municipal elections are now required to be held by law in said village.

SECTION 4. Said bonds, when so authorized, shall be issued by the council of said city, in denominations not less than one hundred or more

than five hundred dollars, payable in such times, not exceeding fifteen years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine; they shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor, and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for and required by the actual cost and expense of sinking such well or wells as may be required for the purpose named, the purchase of pipes and buying and laying of pipes, and other necessary expenses; they shall be sold, from time to time, as is made necessary by the progress of the work, and in such amounts as shall be required and made necessary by the progress and for the proper completion of the works; and all proceeds and moneys arising from such bonds shall be used exclusively for and applied to the payment of the necessary expense for the supply of gas for the purpose aforesaid.

SECTION 6. All moneys collected or received by the town council of said village from the corporation [incorporated] village, or the citizens thereof, for gas furnished and consumed for public or private use, and all net income and profits arising therefrom shall be applied to the payment of such bonds and interest, and the council of such village is hereby authorized to levy a tax annually, not exceeding three mills on the dollar valuation of taxable property within said city, in addition to the tax now by law authorized to be levied, in such amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual extinguishment of such bonds.

SECTION 7. All moneys so applicable to its payment of such bonds, which shall come into the hands of said town council before such bonds or any of them become due, shall be used to purchase such bonds, or invested under the order of the council as a sinking fund, to be applied to the payment of such bonds as they become due.

SECTION 8. This act shall take effect on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1454.]

AN ACT

To authorize the commissioners of Lucas county, Ohio, to pay the claim of Philander Husted.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lucas county, Ohio, be and they are hereby authorized to pay Philander Husted, of the village of Maumee, in said county and state, a sum not exceeding sixty dollars (\$60.00) as they may deem just and equitable, for losses sustained by him by the killing of his horse, in crossing the swing bridge across the Miami and Erie canal

at Conant street, in said village, about the evening of March 22, A. D. 1889.

SECTION 2. That this act shall take effect on its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1468.]

AN ACT

To authorize the commissioners of Muskingum county, Ohio, to build a bridge across the Muskingum river, and to repeal an act passed April 2, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Muskingum county, Ohio, be and are hereby authorized and empowered to build a double track bridge across the Muskingum river, at such point on said river in the city of Zanesville, in the vicinity of Underwood or Monroe streets, as the county commissioners may determine, in said county, to a point on the opposite side of said river, at a cost not exceeding seventy-five thousand (\$75,000) dollars; all contracts for erecting the same shall be let according to law; provided, however, before said commissioners shall build said bridge, they must obtain the consent of the proper United States authorities to erect the same across said river.

SECTION 2. For the purpose of paying for the construction of the same, the commissioners are hereby authorized to issue bonds of the county at a rate of interest not exceeding six per cent. per annum, interest payable semi-annually; said bonds to be paid within ten years of the date thereof, at the discretion of the commissioners, and the same shall be issued, signed, and sold according to law.

SECTION 3. For the purpose of paying the bonds and the interest thereon, as the same become due and payable, the commissioners are hereby required to levy annually on all the taxable property within the county a sum sufficient to pay the same, in addition to all other taxes authorized by law.

SECTION 4. That an act entitled "an act to authorize the commissioners of Muskingum county, Ohio, to build a bridge across the Muskingum river," passed April 2, 1889, is hereby repealed; and this act shall take effect on and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1479.]

AN ACT

To authorize the township of Windsor, in the county of Morgan, state of Ohio, to issue bonds for the purpose of joining the village of Stockport in purchasing a site and erecting a public hall in the village of Stockport, in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Windsor township, Morgan county, Ohio, be and is [are] hereby authorized and empowered to issue bonds not to exceed in amount two thousand dollars, for the purpose of joining the village of Stockport, Morgan county, Ohio, in purchasing a site and erecting a public hall in said village of Stockport; and the amount of such levy shall be equally divided between said village of Stockport and the township of Windsor. Said bonds shall not be sold for less than par, and shall be of such denominations, and bear such rate of interest not exceeding six per cent. per annum, payable semi-annually, and may be made to run for such time as the trustees of said township may provide.

SECTION 2. The bonds mentioned in this act shall not be issued until after the question of levying a tax for the purchase of a site and the erection of a public hall shall have been submitted to the electors of said township, at a special election, to be held at such time as said trustees shall deem best, after giving fifteen days' public notice thereof, and a majority of the votes of the electors voting at said election be cast in favor of the levy of said tax. The ballots of said election shall have printed or written thereon, "Public hall tax—Yes;" "Public hall tax—No."

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1487.]

AN ACT

To authorize the treasurer of Pickaway county, Ohio, to deposit the funds received by him as such county treasurer, in the banks of the city of Circleville, during the remodeling, improving and repairing of the court house, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the treasurer of Pickaway county, Ohio, with the approval of his sureties in writing, and the consent of the commissioners of said county, be and he is hereby authorized to deposit with either or any of the national banks of the city in [of] Circleville, Ohio, the funds now in his possession, or which may be received by him, from time to time, as such county treasurer, during the remodeling, improving and repairing of the court house, now in progress, and that the sureties of said treasurer shall not be released from their obligations on account of such deposit or deposits.

SECTION 2. That the said treasurer, with the approval in writing of his sureties on his bond as treasurer of the city of Circleville, Ohio, and with the approval of his sureties in writing on his bond as treasurer of the Circleville city school district, be and he is hereby authorized to deposit with either or any of the national banks in the city of Circleville, Ohio, the funds now in his possession, or which may be received by him from time to time, as such treasurer of the city of Circleville, Ohio, and as treasurer of the Circleville city school district, during the remodeling, improving and repairing of the court house, now in progress, and that the sureties of said treasurer on said bonds as treasurer of said city of Circleville, Ohio, and said Circleville city school district, shall not be released from their obligations on account of such deposit or deposits.

SECTION 3. That so soon as said treasurer's office in said court house, now being remodeled, improved and repaired, shall be ready for occupancy, and the vault therein being constructed shall be ready for use, the said treasurer of said county, city and school district, shall transfer all funds which may have been deposited in said bank, by authority of this act, to the vault and safe in said county treasurer's office.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1111.]

AN ACT

To authorize the county commissioners of Franklin county to appropriate and use moneys in the bridge fund for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Franklin county be and they are hereby authorized and empowered to appropriate and use from any money in the bridge fund, not heretofore appropriated and used, a sum of five thousand dollars, to build the approaches to the Clickinger road bridge in Hamilton township, Franklin county, Ohio, and three thousand dollars to complete the approach to the Sandusky street bridge in the city of Columbus, Ohio.

SECTION 2. This act shall take effect from its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1149.]

AN ACT

To divide Nimishillen township, Stark county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Nimishillen, in the county of Stark, be and the same is hereby divided into two election precincts for all election purposes authorized by law, as follows: That sections 1, 2, 3, and the east half of sections 4 and 9, and sections 10, 11 and 12, shall be known as the Harrisburg precinct, of said township, with place of holding election at Harrisburg, in said township; and the west half of sections 4 and 9 and sections 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, shall be known as the Louisville precinct of said township, with place of holding election at the village of Louisville, in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1150.]

AN ACT

To divide Canton township, Stark county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Canton, in the county of Stark, be and the same is hereby divided into two election precincts for all purposes authorized by law, as follows: That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, shall be known as the Canton precinct of said township, with place of holding election at the city of Canton, in said township; and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, shall be known as the North Industry precinct of said township, with place of holding election at North Industry, in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 599.]

AN ACT

To authorize the council of the incorporated village of Richwood, Union county, to issue bonds for the purpose of purchasing grounds, and build thereon a town hall, with fire department buildings, corporation offices, and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Richwood, Union county, be and is hereby authorized to borrow money and issue bonds therefor, not to exceed ten thousand dollars (\$10,000), for the purpose of purchasing suitable grounds and build thereon a town hall, fire department buildings, corporation offices, and jail; said bonds to be of such denominations as said council may deem best, and shall run for a period not to exceed ten years, to bear interest not to exceed six per cent. per annum, interest to be paid semi-annually, and to be sold for not less than their par value.

SECTION 2. Said election shall be held and controlled by the village council of said village as it may by ordinance or resolution prescribe, and the entire record thereof and returns therefrom shall be recorded or filed among the village records.

SECTION 3. The council of said village shall have the power to sell and convey any grounds and buildings now owned by said village, and use the proceeds derived from such sale for the purchase of grounds and construction of new buildings.

SECTION 4. Said bonds shall not be issued nor said tax assessed until the question shall be submitted to the voters of said village at a special election, of which at least ten days' notice shall be given by advertisement in at least two newspapers published in said village, and by written or printed notices posted up in at least ten public places in said village; at said election all voters desiring to vote in favor of issuing said bonds and levying said tax, shall have written or printed on their ballots the words, "Village hall bonds—Yes;" and all voters desiring to vote against issuing said bonds shall have written or printed on their ballots the words, "Village hall bonds—No." No bonds shall be issued or tax levied under this act unless a majority of the votes cast at said election shall be favorable thereto.

SECTION 5. For paying the interest on said bonds and the principal at maturity thereof, the council of said village is hereby authorized to levy annually, a tax upon all the taxable property of the village of Richwood, in addition to the amount already allowed to be levied by law, sufficient to pay the interest on said bonds and the principal thereof as the same shall fall due, and the mayor and village clerk shall be authorized, with the several councilmen of said village, to sign said bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 601.]

AN ACT

authorize the township trustees of Spring Valley township, Greene county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Spring Valley township, Greene county, Ohio, be and are hereby authorized to transfer from the cemetery fund to the building fund the sum of four hundred and fifty dollars, and also to transfer from the poor fund to the building fund the sum of one hundred and fifty dollars.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 602.]

AN ACT

Authorizing the trustees of Manchester township, Adams county, Ohio, to aid in the erection of a soldiers' memorial hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Manchester township, Adams county, Ohio, are hereby authorized to issue the bonds of said Manchester township in the sum of two thousand dollars, for the purpose of aiding in the construction of a soldiers' memorial hall by the Adams county soldiers' memorial company; such hall to be located in said township of Manchester.

SECTION 2. The trustees of said township shall levy a tax on all the taxable property of said township, and make a proper return thereof to the auditor of Adams county, to be placed by him on the duplicate of said township, and collected as other taxes. The levy shall be made at such rate as to meet the payment of the bonds as they may fall due, with interest thereon, and may be made in five consecutive annual levies. The bonds shall be of such denomination and bear such rate of interest, not exceeding six per cent., as the trustees may determine, and shall not be sold or disposed of for less than their par value.

SECTION 3. Upon the issuance of said bonds, said trustees shall deliver the same to the treasurer of said memorial company; first, however, taking his bond with sureties to their approval, for the faithful and proper application and expenditure of the proceeds of such bonds; provided, however, that before delivery of said bonds by said trustees, or any use of them by said memorial company, said company shall enact and adopt a by-law, constituting that member of the board of township trustees who has the shortest time to serve, ex-officio a director of said memorial company; and on adoption of such by-law, and acceptance of said bonds by

said memorial company, the trustee of said Manchester township having the shortest time to serve shall be ex-officio a member of the board of directors of the Adams county soldiers' memorial company.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 606.]

AN ACT

To prevent the sale of intoxicating liquors within two miles of Antioch college, or Wilberforce university, Greene county, Ohio, and for other purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whosoever sells or offers to sell, or offers to give away, any intoxicating liquors, or keeps a house of ill-fame, at or within two miles of Antioch college, located at Yellow Springs, Greene county, Ohio, or within two miles of Wilberforce university, Greene county, Ohio, shall be fined not more than one hundred dollars nor less than twenty-five dollars, or imprisoned not more than sixty days, or both, at the discretion of the court. And on the conviction of the owner or keeper thereof, the place wherein such intoxicating liquors are sold shall, by order of the court, be shut up and abated as a nuisance.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 608.]

AN ACT

Authorizing the commissioners of Athens county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Athens county, Ohio, are hereby empowered and authorized to transfer from the poor fund of said county, to the general fund of said county, the sum of two thousand dollars, at such times and in such sums as said commissioners may deem necessary and advisable.

SECTION 2. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 609.]

AN ACT

To supplement section six of an act passed March 16, 1887 (84 O. L., pp. 379, 380, 381 and 382).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six of an act passed March 16, 1887 (84 O. L., pp. 379, 380, 381 and 382), be supplemented as follows:

Sec. 6a. That said county commissioners may appropriate to the construction of said free turnpikes in the third section of the above act named, in addition to the amounts authorized in section six of that act, not exceeding seven thousand five hundred dollars, and apportion it to the said free turnpikes as they may deem best.

SECTION 2. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 611.]

AN ACT

To authorize the village council of the incorporated village of Granville, Licking county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Granville, Licking county, Ohio, be and are hereby authorized to transfer three hundred dollars from the sewer fund to the street fund of said village.

SECTION 2. This act shall take effect from and after its passage.

NOAH H. ALBAUGH,

Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 627.]

AN ACT

To authorize the trustees of Elk township, Vinton county, to levy a tax for the care of the "old cemetery," in the village of McArthur.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Elk township, Vinton county, are hereby authorized

to levy a tax for the care of the "old cemetery," in the village of McArthur. They shall appoint a person to take charge of said cemetery, and expend the money arising from such levy for the purpose aforesaid.

SECTION 2. This act shall take effect upon its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[Senate Bill No. 478.]

AN ACT

To authorize the commissioners of Hamilton county to complete a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to assess and collect, in addition to the taxes now authorized by law to be levied in said county, upon the grand levy of all the taxable property in said county, a tax of one-twentieth (1-20) of one mill on each dollar of the valuation thereof, one-half to be levied upon the said duplicate for the year 1889, and the remainder upon said duplicate for 1890, the funds arising from said tax to be applied to the completion of the county road in Sycamore township in said county, known as the Amity road, extending from the village of Reading to the Plainfield turnpike, and any balance remaining to the credit of said fund, after the completion of said road, shall be reserved by said commissioners for the repair of said road.

SECTION 2. For the purpose of obtaining the money to pay for the completion of said road, the said commissioners (in anticipation of said taxes) are hereby authorized and directed to issue bonds of said Hamilton county, Ohio, in sums of \$500 each, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually, the whole amount issued not to exceed the sum raised by said tax; said bonds to be negotiated and payable within ten years from the date of issue.

SECTION 3. Said bonds shall be signed by the commissioners of said county, and countersigned by the auditor thereof, who shall keep a record of all bonds issued under and by virtue of this act, to whom issued and made payable, and when to be paid.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 594.]

AN ACT

To authorize the trustees of Lima Methodist Episcopal church, of Pataskala circuit Licking county, Ohio, to sell and convey to the trustees of Lima township, Licking county, Ohio, certain real estate for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Lima Methodist Episcopal church, of Pataskala circuit, Licking county, Ohio, be and they are hereby authorized to sell and convey to the trustees of Lima township, Licking county, Ohio, and to their successors, for cemetery purposes, the following described tract of land, to-wit: Being in the county of Licking, in the state of Ohio, and being a part of the northwest quarter of section fourteen (14), in township one (1), range fifteen (15), United States military district, and bounded and described as follows: Beginning at a stake 38¹⁵/₁₀₀ rods northwesterly from the southeast corner of said quarter, and course bearing north 40 degrees west from said southeast corner; thence north 32 rods to the county road, thence west 2 rods, thence south 22 rods, thence west 6 rods to a stake, thence south 10 rods to a stake, thence east 8 rods to point of beginning, containing one-half ($\frac{1}{2}$) acre; being known as the Swisher church graveyard.

SECTION 2. This act shall take effect and be in force [from] and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

• WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 536.]

AN ACT

To authorize the board of education of the city of Alliance, Stark county, Ohio, to borrow money and build a school house therewith.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city school district of Alliance, in the county of Stark, Ohio, be and is hereby authorized to borrow the sum of five thousand dollars, to be used in the building of a school house on grounds of said board, in fourth ward in said city, and to issue the bonds of said school district therefor, payable, one-fifth in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years, and one-fifth in five years, which bonds shall bear a rate of interest not exceeding six per cent., payable annually, and shall be sold at not less than their par value, and said board is hereby authorized to levy upon all taxable property of said school district, in addition to all other taxes authorized by law, such rate as will provide for the payment of said bonds as the same become due.

SECTION 2. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 620.]

AN ACT

To restrict and make definite the limits of Leavitsburgh election precinct, in Trumbull county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the election precinct known as the Leavitsburgh election precinct, Trumbull county, Ohio, shall include all that territory in Warren township, Trumbull county, Ohio, which is included in the following boundary, to-wit: Commencing in the west line of Warren township, at the southwest corner of lot 22; thence east on the south line of lot 22 to the east line of said lot, being the centre of a north and south public highway; thence south on the centre of said highway to the point of intersection thereof with a public highway running east in lot 30; thence east on the centre of said highway until it intersects the lot line between lots 31 and 32; thence north on the lot line between lots 31, 24 and 17 on the west, and lots 32, 25 and 18 on the east, to the northeast corner of said lot 17; thence west on the north line of lots 17, 16 and 15 to the west township line; thence south on the township line to the place of beginning.

SECTION 2. That any territory which may have been heretofore included in said Leavitsburgh election precinct, and not included within the lines defined in section one of this act, is hereby excluded from said precinct.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[Senate Bill No. 619.]

AN ACT

To authorize the trustees of Gustavus township, Trumbull county, Ohio, to sell and convey the town hall, and lot on which the same is situate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Gustavus, Trumbull county, Ohio,

be and the same are hereby authorized and empowered to sell and convey the town hall of Gustavus, and the lands on which the same is situate. The sale to be on such terms as said trustees may deem best, and at public or private sale.

SECTION 2. The proceeds of such sale shall be used by the trustees in procuring a new town hall.

SECTION 3. This act shall take effect and be in force from and after its passage.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 13, 1889.

[House Bill No. 1098.]

AN ACT

To authorize the board of education of Tate township, Clermont county, Ohio, to increase the estimate for a contingent fund for the year 1889, and to pay the amount of said increase to the board of education of Washington township, in said county and state.

WHEREAS, Since 1879 there has been a joint sub-district in the townships of Washington and Tate, in Clermont county, Ohio, and the school house thereof has been in Tate township; and

WHEREAS, During said time there has been erroneously assessed and collected, annually, from Washington township, for the school in said joint sub-district an amount greatly in excess of the amount authorized therefor by law:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Tate township, Clermont county, Ohio, be and are hereby authorized to make a levy, in amount not exceeding eight hundred dollars (\$800.00), for the purpose of reimbursing the board of education of Washington township, Clermont county, Ohio, for money erroneously levied and collected from said Washington township, and to pay the same, or any part thereof, agreed upon by the said boards of education, to the treasurer of the board of education of Washington township, upon the order of the clerk, countersigned by the president of the board of education of Tate township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1170.]

AN ACT

To authorize the village of Swanton, Fulton county, Ohio, to issue and sell bonds, and to expend the proceeds thereof in the construction of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the village council of the village of Swanton, Fulton county, Ohio, be and is hereby authorized to issue the bonds of said village, in any sum not exceeding six thousand dollars, in denomination not exceeding six hundred dollars, as such village council may determine, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually, or the purpose of providing said village with water-works.

SECTION 2. Said bonds shall be signed by the mayor of said village, and countersigned by the clerk of said village. They shall not be sold for less than their par value. The principal shall be payable at such times as the council of said village shall determine by ordinance, within a period of not exceeding ten years from their date; and said village council is hereby authorized to levy a tax upon all taxable property of said village, in addition to that now authorized by law, for the purpose of paying the principal and interest on said bonds, but not exceeding in any one year six mills.

SECTION 3. The funds realized from the sale of said bonds shall be expended by the council of said village, together with any other money in the treasury, not to exceed one thousand dollars, of said village, to the credit of the fire fund, for the purpose of constructing and paying for such water-works; for said village, which water-works, when completed, shall be used, operated, and controlled in such manner as is or may be prescribed by law and the ordinances of said village.

SECTION 4. Before said council shall issue said bonds the proposition shall be submitted to a vote of the qualified electors of said village, at any general election, or special election called for that purpose. The council, before submitting said proposition, shall declare, by resolution, the amount of bonds, not to exceed six thousand dollars, to be issued, and in what time the same shall be paid, not to exceed ten years. Said resolution shall be published in a newspaper published and of general circulation in said village, if such there be, and if not, then in some newspaper published in said county and of general circulation, and the clerk of said village shall cause to be posted, in six conspicuous places, notices of said election, in said village, for at least two weeks prior to said election. The election shall be held at the usual place of holding elections, and said election shall be held within sixty days after the passage of this act, in said village, and all persons favoring said proposition shall have written or printed upon their ballots, "Issue water-works bonds—Yes;" and those opposed, "Issue water-works bonds—No;" and should sixty per cent. of the electors voting upon such proposition vote yes, then said council may issue and sell said bonds, [and] cause such water-works to be constructed within one year, as provided in this act.

SECTION 5. This act shall take effect upon its passage.

ELBERT L. LAMPSON,

Speaker of the House of Representatives.

THEO. F. DAVIS,

President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1439.]

AN ACT

For the relief of Sanford Brownlee, of Logan, Hocking county, Ohio.

WHEREAS, Sanford Brownlee, of Logan, Hocking county, Ohio, was, on the 19th day of July, 1888, convicted of the offense of killing a woodcock out of season, under a misapprehension of law, and sentenced to pay a fine of \$25.00 and the costs of prosecution, which fine and costs were paid by said Sanford Brownlee, and placed in the county treasury, to the credit of the "Fish and Game Fund;" therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Hocking county is hereby authorized and required to issue a warrant on the treasury of said county, in favor of said Sanford Brownlee, for the sum of \$25.00, payable out of any money to the credit of the "Fish and Game Fund," not otherwise appropriated.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1460.]

AN ACT

To authorize the trustees of certain townships, in Putnam county, Ohio, to levy taxes to improve public highways in said townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the several townships, to-wit: Jennings, Jackson, Monterey and Union, in the county of Putnam, in the state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their respective townships a tax not exceeding 4 mills in any one year upon the dollar valuation of the taxable property of said townships in addition to other taxes authorized by law, for the purpose of improving, by macadamizing and graveling, the public highways in said townships, respectively, as may be deemed expedient or necessary by the board of trustees of said townships, and for no other purpose.

SECTION 2. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township and collected by the county treasurer as other taxes, and when collected shall be paid to the township treasurer of the township from which the same was collected, and be under the control of the township trustees thereof, for the purpose of improving, by macadamizing and graveling, the public highways.

SECTION 3. The board of trustees shall, upon the levy being made, designate the roads to be improved, which shall be, first, the main and leading roads of the township, and upon which the material can be most easily procured. The board of trustees, after having determined which

roads are to be improved, shall examine such roads and ascertain if the proposed roads are sufficiently graded and drained, and if such be not the case, they may take to their assistance a competent surveyor or engineer, whose duty it shall be to make, under the direction of the board of trustees, a survey and level of the roads so selected, fix the grade of the road, and the grade and capacity of the drains on the sides thereof. The trustees shall cause to be constructed all necessary culverts on such roads, fix the width of the graveled or macadamized track, not less than nine feet, nor more than sixteen feet, and the depth thereof not less than eight inches nor more than twelve inches, in the center and the slope from the center to the sides. The trustees may consolidate the road districts through which any such proposed road improvement passes, and direct the supervisors of such road district to work the two days' labor in such district in hauling the material, such as crushed stone, or gravel upon such road. The work of hauling the material upon the road in such road district shall be under the supervision of the supervisor of such district, but be performed in such manner as shall be prescribed by the trustees.

SECTION 4. A majority of the board of trustees shall be necessary to order the said road improvement, and the work of the construction and the furnishing of the material, for such road improvement, shall be publicly let, excepting such work as may be done by the supervisors of the road district as herein provided. The contracts for material to be used in the construction of said road improvement and the contracts for hauling said material upon the roads shall be let separately.

SECTION 5. The trustees, after having given public notice of the time and place of such letting, for at least two weeks, in a newspaper of general circulation in the township or county, or by hand bills, or both, at the discretion of the board of trustees, specifying the kind and quality of the material, and the part of the road upon which the same is to be used, shall let the same to the lowest bidder, who shall give bond to the acceptance of the trustees. The bids for the material and for the work of hauling the same shall be separately stated, and the trustees may reject any or all bids. The trustees shall examine and accept the work when completed, and ascertain the amount of material furnished under the provisions of this act, and if found in all respects correct, shall draw an order for the amount due for work, or for material furnished, upon the township treasurer, which shall be countersigned by the township clerk.

SECTION 6. The board of trustees may appoint one of their number, or some other suitable person, who shall oversee the work, and for services rendered under the provisions of this act, they shall be entitled to receive for each day actually employed, the sum of one dollar and fifty cents per day. And the trustees shall provide for the township clerk a suitable book in which there shall be kept a complete record of the business transacted under the provisions of this act, and it is hereby made his duty to keep a full and complete record of the action of the board of trustees under this act, and the township clerk, for making said record, shall be entitled to receive ten cents per hundred words, and for all other services such reasonable compensation as may be allowed by the board of trustees.

SECTION 7. The fees of the township officers, the engineer, and the person who may be appointed by the board of trustees under the provisions of this act, shall be paid out of the township road fund. But before any payments shall be made for services rendered under the provisions of this act, the person entitled thereto shall make out and file with the township clerk an itemized account of his services, whereupon the trustees

shall, if they find the same correct, draw an order on the township treasurer, countersigned by the township clerk.

SECTION 8. The roads graveled or macadamized under the provisions of this act shall be free to the public travel, and shall be kept in repair by the trustees, out of the funds that come into the township treasury from the county treasurer, as provided for in section one thousand four hundred and fifty-nine (1459) of the Revised Statutes of Ohio.

SECTION 9. This act shall take effect from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1464.]

AN ACT

To amend section 4 of an act entitled "an act incorporating the First Presbyterian Congregation in the town of Dayton," passed February 12, 1812.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4 of an act entitled "an act incorporating the First Presbyterian Congregation in the town of Dayton," passed _____, 1812, be and the same is hereby amended so as to read as follows:

Sec. 4. Be it further enacted, that on the first Wednesday in April, annually, there shall be elected not less than three nor more than five trustees, a treasurer, clerk, collector, and any other officers which said congregation may deem necessary, who shall hold their offices for one year, and until their successors are duly elected. Provided, that, if by any casualty an annual election shall be omitted, or in case of vacancy by death or otherwise, the congregation may, on ten days' notice being previously given, meet and fill the vacancy for the balance of the year.

SECTION 2. That said original section 4 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1465.]

AN ACT

To authorize the board of education of Jefferson township, Guernsey county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Jefferson township, Guernsey county, Ohio,

be and they are hereby authorized to transfer the sum of seven hundred [and] fifty (\$750.00) dollars, or so much thereof as remains unexpended, from the [special] building fund of said township to the general school fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1474.]

AN ACT

To authorize the trustees of Cedar Hill cemetery, of the city of Newark, Ohio, to accept and execute certain trusts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the cemetery trustees or duly constituted officers of the Cedar Hill cemetery, of Newark, Ohio, shall have full power and capacity to take, hold, possess, invest, enjoy and use, any kind of property, bequest or donation, that may be legally given, granted or devised to them for the purpose of building or repairing fences, graves, vaults, monuments, walks, cemetery lots, drives or avenues in its cemetery, or for the purpose of building or repairing therein or perpetually caring for any particular fence, cemetery lot, grave, vault, monument, walk, drive or any avenue, and to use the proceeds thereof, to any of the foregoing purposes, according to the terms of the trust for which the same may be given, granted or devised.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1497.]

AN ACT

To authorize the commissioners of Madison county to build a court house and jail, and purchase real estate therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Madison county are hereby authorized to construct a court house and jail at such point at the county seat of said

county, as in their judgment may be deemed most for the public good, and plans and specifications for the same shall be determined upon and the contract or contracts therefor let according to law, within one year after the passage of this act, which contract or contracts shall require the said buildings to be completed as soon as practicable.

SECTION 2. That the commissioners of said county are hereby authorized, if in their opinion they deem it best for the public good, to purchase the necessary additional real estate to that now occupied by the court house and jail, or if they deem it best to sell the real estate now occupied by the court house and jail, together with the buildings thereon, and invest the proceeds thereof in the purchase of new real estate for said court house and jail; provided, that the whole cost of said court house and jail and the purchase of such additional or new real estate therefor shall not exceed the sum of one hundred and fifty thousand (\$150,000) dollars.

SECTION 3. That when in the opinion of said commissioners it is necessary to purchase any such real estate for said court house and jail, and they and the owners are unable to agree upon its purchase and sale, the said commissioners are hereby authorized to appropriate such real estate according to law in such case. And if in the opinion of such commissioners it shall be necessary, in locating said court house and jail, to use and occupy any alley or part thereof therefor, they are hereby authorized to apply to the village council or the court of common pleas to have the same vacated according to law and to appropriate the right of way or easement therein of any lot-owner, according to law.

SECTION 4. That the commissioners of said county, for the purpose of building said court house and jail and purchasing the necessary additional or new real estate therefor, are hereby authorized to borrow such sum or sums of money as they shall deem necessary, not to exceed one hundred and fifty thousand (\$150,000) dollars, at a rate of interest not to exceed six per cent. per annum, and issue bonds of said county to secure the payment of the principal and interest thereon; such interest shall be paid semi-annually, and the principal shall be paid at such times as the commissioners shall prescribe, within twenty years from the date of such indebtedness; said bonds to be sold for not less than their par value.

SECTION 5. That the bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the county auditor, in sums of not less than one hundred nor more than one thousand dollars each, payable to bearer, at the county treasury, with interest as aforesaid, at such times, not exceeding twenty years after date, as the commissioners may prescribe; and such bonds shall specify distinctly the object for which they were issued.

SECTION 6. The commissioners shall annually at their June session, levy such tax on the personal and real property in said county, as will pay the interest on such indebtedness, and the principal as it matures, not to exceed twenty thousand dollars in any one year.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[Senate Bill No. 600.]

AN ACT

To establish an election precinct in Perkins township, Erie county, Ohio, and to fix the legal residence of the inmates of the soldiers' and sailors' home and the officers thereof, who are citizens of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all that portion of Perkins township, Erie county, owned by the state of Ohio, and known as the soldiers' and sailors' home, be and the same is hereby established as an election precinct, to be known and called the soldiers' and sailors' home election precinct.

SECTION 2. That all inmates of the soldiers' and sailors' home, and the officers thereof who reside in such precinct, who are citizens of the United States and are otherwise qualified as to age, shall be held and deemed to have their lawful residence in the county of Erie, township of Perkins, and the soldiers' and sailors' home precinct, with the right to exercise the privileges of electors at all elections.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 12, 1889.

[House Bill No. 1466.]

AN ACT

To divide Warren township, Belmont county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Warren township, Belmont county, is hereby divided into two election precincts, as follows: All the territory in said township lying west of the Barnesville and Somerton, and the Barnesville and Hendrysburg pikes, shall be known as the western election precinct; and all the territory in said township lying east of said pikes shall be known as the eastern election precinct, and the trustees of the township shall, before the next election, give twenty days' notice of the place of holding the election in each of said precincts.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1457.]

AN ACT

To authorize the trustees of Windsor township, Ashtabula county, to levy a tax for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Windsor township, Ashtabula county, Ohio, be and are hereby authorized to levy annually a tax, not to exceed one-half mill on each dollar of the assessed value of the taxable property of said township, for the purpose of improving and maintaining in good condition, the cemetery located near Windsor Corners, in said township. And the said levy shall be returned by said trustees to county auditor and placed upon tax duplicate, to be collected as other taxes are collected for township purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 13, 1889.

[House Bill No. 1368.]

AN ACT

To authorize the city of Columbus to borrow money and issue bonds for the purpose of extending the northwest main trunk sewer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Columbus be and it is hereby authorized and empowered to issue the bonds of the city of Columbus, in an amount not exceeding fifteen thousand (\$15,000) dollars, for the purpose of paying for the cost and expense of extending the northwest main trunk sewer. Said bonds shall be issued in such denominations, not exceeding one thousand (\$1,000) dollars each, as said city council may determine, and shall be payable in twenty years from their date. All of said bonds shall bear such rate of interest, not exceeding six per cent. per annum, payable annually or semi-annually, as said council may direct, and said bonds shall in all respects be made and disposed of as provided by law.

SECTION 2. The city council of said city of Columbus shall levy annually, on all the property in sewer district No. 2 in said city, a tax sufficient in rate and amount to pay the accruing interest on such bonds, and to provide a sinking fund to pay said bonds at maturity; and such levy may be additional in rate and amount to the taxes authorized by law to be levied for any and all other purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1378.]

AN ACT

To authorize the board of councilmen of the incorporated village of Coldwater, Mercer county, to issue bonds for natural gas purposes and pay indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of councilmen of the incorporated village of Coldwater, Mercer county, Ohio, are hereby authorized to issue not to exceed ten thousand (\$10,000) dollars of bonds, coming due in not to exceed twenty years from date, drawing interest not to exceed 7 per cent. per annum, payable semi-annually, eight thousand dollars of which shall be used for the purpose of drilling for and piping natural gas and laying mains for same to and in said village, and two thousand dollars shall be used to cover deficiency in the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1380.]

AN ACT

To authorize the village of Baltimore, Fairfield county, to borrow money and issue bonds therefor, for the purpose [of] sinking wells for natural gas and for buying and laying pipes for the purpose of supplying citizens of said village with natural gas for public and private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Baltimore, Fairfield county, Ohio, be and is hereby authorized to issue its bonds for an amount not exceeding ten thousand dollars, for the purpose of sinking wells for natural gas, buying and laying pipes and constructing the necessary buildings, fixtures and machinery to supply such village and the citizens thereof with natural gas for public and private use.

SECTION 2. Before any such bonds shall be issued, the question of issuing the same shall be submitted to a vote of the qualified voters of such village, at a special or regular election, to be held at such time as the council of said village shall appoint; the tickets voted shall have printed thereon the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No;" if the proposition to issue bonds be approved by a sixty-five per centum of those voting upon the proposition, the village shall have authority to issue said bonds for the purpose named, as provided in this act.

SECTION 3. The council of said village shall post notices of the submission of such question in at least four of the most public places in the village, at least ten days prior to such election, and said election shall be

held in all respects, not otherwise herein provided, as municipal elections are now required to be held by law in said village.

SECTION 4. Said bonds, when so authorized, shall be issued by the council of said village in denominations not less than one hundred dollars, payable in such times, not exceeding twenty-five years, as the council shall provide, with interest not exceeding six per cent. per annum, payable annually, principal and interest payable at such place as the council may determine; they shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for and required by the actual expense of sinking such wells and buying and laying said pipes for the purpose named, and in such amounts as shall be necessary by the progress and completion of the works, and all moneys arising from sale of such bonds shall be applied to the payment of the necessary expense for the supply of gas for the purpose aforesaid.

SECTION 6. All moneys received from the village or citizens thereof for gas furnished and consumed for public or private use, and all profits arising therefrom shall be applied to the payment of such bonds and interest thereon, and the council of said village is hereby authorized to levy a tax annually, not exceeding eight mills on the dollar valuation of taxable property within said village, in addition to the tax now authorized by law to be levied, in such amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds, and provide a sinking fund for the gradual extinguishment of such bonds.

SECTION 7. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1381.]

AN ACT

To authorize the city of Columbus to borrow money and issue bonds for the construction of a market house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city of Columbus be and is hereby authorized to borrow the sum of fifteen thousand dollars (\$15,000), and to issue the bonds of said city therefor, for the purpose of purchasing a site and the erection of a market house, to be located in the northeastern section of said city. Said bonds shall be of the denomination of one thousand dollars, payable in not less than ten nor more than twenty years from their date, and bearing interest at not more than six per cent. per annum, and the city council of said city of Columbus shall levy, annually, on all the property in said city, a

tax sufficient in rate and amount to pay the accruing interest on such bonds, and to pay said bonds at maturity, and such levy may be additional in rate and amount to the taxes authorized by law to be levied for any and all other purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1427.]

AN ACT

To authorize the commissioners of Monroe county, Ohio, to construct a free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Monroe county, Ohio, be and they are hereby authorized to build and construct the following free turnpike road: Beginning at Mallaga; thence through Miltonsburgh to Woodsfield, along and on the present road, as near as practicable; but said free turnpike shall go along or on the present roads leading from Sunfish creek, via Kerr Station to Woodsfield; provided, that before any action shall be taken under this act, the county commissioners shall cause the question as to whether said free turnpike shall be constructed to be submitted to the qualified voters of said county at any annual or general election, and those favoring the construction thereof shall have on their ballots, "Free turnpike—Yes;" and those opposed shall have on their ballots, "Free turnpike—No." And if a majority of all the votes cast on said question be in favor thereof, then the powers herein may be exercised, otherwise not.

SECTION 2. Twenty per centum of the costs of the construction of said free turnpike shall be paid by a tax on all the taxable property in said county, within two miles of said free turnpike, the distance to be measured from the sides of said free turnpike, and including the termini; and eighty per centum of the costs of construction of said free turnpike shall be paid by a tax on all the taxable property of the county, and all other costs connected with the establishing and construction of said free turnpike shall be paid for and by the county.

SECTION 3. The said commissioners are hereby authorized and requested to appoint three judicious, disinterested landowners of the county as viewers, and a competent surveyor, whose duty it shall be to measure and lay off in sections not less than one-half mile, the road thus sought to be improved; and they shall also ascertain the lands, lots and parcels of land lying within two miles of said free turnpike, and subject to taxation for the payment of said twenty per centum; and they shall ascertain the resident tax-payers within said taxing districts, and all persons subject to taxation within said districts. Said viewers and surveyors shall be sworn to honestly and faithfully discharge the duties incumbent upon them; they shall make their report in writing, within a reasonable time,

to be fixed by said commissioners. The commissioners may, for good cause, set the said report aside and order another view and measurement, by the same viewers and surveyor, or by other equitable viewers and surveyor, and the said commissioners shall have jurisdiction at all times to make all proper corrections in regard to the lands and persons within said districts and sought to be taxed.

SECTION 4. That said commissioners shall, by order entered on their journal, determine the time in which the said twenty per centum shall be paid, which shall not be less than five years nor more than ten; and an equal part of said twenty per centum shall be levied and collected each year, to make such levy upon all the taxable property within said taxing districts, until the whole twenty per centum is fully paid; and they shall cause the same to be placed upon the tax duplicate, and collected as other taxes; and they shall in like manner levy upon all the taxable property of the county, the eighty per centum of the costs of said construction, so that the same will be paid in not less than five years nor more than ten.

SECTION 5. For the purpose of paying for the construction of said free turnpike as the work progresses, and when completed, the said commissioners are hereby authorized and empowered to issue the bonds of the county, payable in such time as said commissioners may determine, but not longer than ten years, and said commissioners shall issue and sell said bonds according to law, and they shall bear not to exceed six per cent. interest per annum, interest payable semi-annually.

SECTION 6. In the letting of the contract for the furnishing of material and the construction of said free turnpike, said commissioners shall be governed by the laws of Ohio in regard to the letting of contracts for the construction of free turnpikes.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1438.]

AN ACT

To authorize the purchase of any toll road in Hocking county, and to convert the same into a free road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hocking county, when petitioned to do so by not less than one hundred freeholders, citizens of the county, shall and they are hereby authorized and required to purchase any toll road within said county; provided, that before such purchase is made, the commissioners of the county may make an order submitting the purchase of said toll road to the electors of said county, at any regular spring or fall election, giving at least ten days' notice thereof in at least two newspapers

published in said county; and at such election the voters who are in favor of such purchase shall inscribe on their ballots, "Purchase of toll-roads—Yes;" and those opposed thereto shall inscribe on the ballots, "Purchase of toll-roads—No;" and if, at any such election, a majority of those voting on said question are in favor of such purchase, [the said commissioners may make such purchase,] or the commissioners may make such purchase without submitting the question of such purchase to the electors as aforesaid; the vote on said question shall be returned by the judges of election to the clerk of the court of common pleas, who shall open court, and declare the same, as in an election for county officers, and certify the same to the county commissioners.

SECTION 2. In case the vote so taken shall result in favor of the purchase, three disinterested appraisers of the road proposed to be purchased shall be appointed as follows: one by said commissioners, one by the probate judge of said county, and the other by the court of common pleas of said county, or a judge of said court, resident of the subdivision in which said county is situate; and said appraisers, after being first sworn faithfully and honestly to discharge their duties in that behalf, shall personally inspect said road so far as the same is within said county, and examine into the receipts thereof, and the cost of maintaining the same for the next preceding five years, and make and return in writing to said commissioners a valuation of said road; and if the commissioners, from any cause, fail to purchase said road, other appraisers may be appointed in the same manner. But nothing herein contained shall prevent the commissioners from making or receiving propositions, and to purchase at any time within two years after an appraisement has been had at the appraised price, any law heretofore passed to the contrary notwithstanding.

SECTION 3. If the report of said appraisers is satisfactory to the commissioners and the probate judge of said county, and they or a majority of them indorse their approval thereon, the commissioners shall submit to the company of the road which has been so appraised, and the appraisal thereof approved as aforesaid, a proposition for the purchase thereof, at a price not exceeding in any case such appraisal, and if such proposition is accepted by such company the said commissioners shall thereupon purchase the same, and take conveyance thereof from such company and pay such company in money, or in bonds to be issued as is hereafter specified; and thereupon such road so purchased shall cease to be a toll-road and become a free road, to be kept in repair in the manner prescribed by law.

SECTION 4. For the purpose of paying for said road said commissioners may issue bonds, payable at such times and in such amounts as will be as near as practicable equal to the semi-annual collection of taxes levied for that purpose, which bonds shall bear interest not exceeding six per centum, payable semi-annually, which bonds may be delivered to said company in payment for said road or sold for money at not less than their par value; but none of said bonds shall run more than eight years from date; and for the payment of said bonds, said commissioners are authorized to levy annually, on the taxable property of said county, in addition to the taxes they are otherwise authorized to levy, such sum annually as will fully pay said bonds and the interest thereon.

SECTION 5. The said appraisers shall be paid by the county upon the allowance of the commissioners, three dollars per day and their necessary expenses for the time actually employed.

SECTION 6. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1504.]

AN ACT

To authorize the board of councilmen of the incorporated village of Celina, Mercer county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of councilmen of the incorporated village of Celina, Mercer county, Ohio, be and are hereby authorized to transfer five thousand one hundred and eighty-two dollars and one cent from the "liquor tax" fund to the "special building fund."

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1494.]

AN ACT

To authorize the council of the incorporated village of Boston, Clermont county, Ohio, to issue bonds and borrow money for the purpose of repairing the streets of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Boston, Clermont county, Ohio, be and is hereby authorized to borrow a sum of money not exceeding one thousand dollars (\$1,000.00), for the purpose of building and repairing the streets of said village; and for this purpose to issue the bonds of said village in sums of one hundred dollars or less, at an annual rate of interest not exceeding six per cent. per annum, payable at such time or times as the council may deem best; said bonds shall be signed by the mayor and countersigned by the clerk of said village.

SECTION 2. That for the purpose of paying said bonds and the interest thereon, said council is hereby authorized to levy a tax upon all the taxable property within said village, from year to year, until all the bonds and accruing interest has been paid.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1478.]

AN ACT

To authorize the village of Roseville, Muskingum county, Ohio, to borrow money and issue bonds therefor, for the purpose of procuring territory, sinking wells for natural gas, purchasing and laying pipes, and supplying said village and citizens with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Roseville, Muskingum county, Ohio, be and is hereby authorized to borrow money and issue its bonds for an amount not exceeding four thousand dollars (\$4,000), for the purpose of procuring territory and sinking wells for natural gas, purchasing and laying pipes and constructing the necessary buildings, fixtures and machinery to supply said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 2. Before any of said bonds shall be issued the question of issuing the same shall be submitted to a vote of the qualified electors of said village at a special election to be held at such time as the council of said village shall appoint. The tickets voted shall have written or printed on them the words, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds be approved by a two-thirds majority of those voting upon the proposition, the council of said village shall have authority to issue said bonds for the purpose named as provided in this act.

SECTION 3. The council of said village shall publish notice of the submission of such question in a newspaper published in said village, and shall also cause notices of the submission of such question to be posted in three of the most conspicuous places in said village at least ten days prior to such election, and said election shall be held in all respects not otherwise herein provided, as municipal elections are now required to be held by law.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of said village in denominations not less than one hundred or more than one thousand dollars, payable at such times not exceeding twenty years, as the council may provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest pay-

able at such place as the council may determine; they shall express upon their face the purpose for which and the act under which they were issued, and shall be signed by the mayor and countersigned by the clerk of the village and be sold for not less than their face value.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for and required by the actual and necessary cost and expense of procuring territory, sinking such number of wells as may be required for the purpose named, the purchase and laying of pipes and other necessary expenses; they shall be sold from time to time as the work progresses and in such amounts as shall be required and made necessary by the progress and for the necessary completion of the work; and all proceeds and moneys arising from such bonds shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary for the supply of gas for the purpose aforesaid.

SECTION 6. All moneys collected or received by the trustees of gas works of said village, from the village or citizens thereof for gas furnished and consumed for public or private use, and all net income, revenue and profits arising therefrom, shall be pledged and applied to the payment of such bonds and interest; and the council of said village is hereby authorized to levy a tax annually, not exceeding three mills on the taxable property within said village, in addition to the tax now by law authorized to be levied, in such amount as will, each year, be sufficient to pay the principal and interest then falling due upon said bonds, and provide a sinking fund for the gradual extinguishment of said bonds.

SECTION 7. All moneys so applicable to the payment of said bonds, which shall come into the hands of such board of trustees before such bonds, or any of them, become due, shall be used to purchase such bonds or invested under the order of the council as a sinking fund to be applied to the payment of such bonds, as they become due.

SECTION 8. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1476.]

AN ACT

To authorize the board of education of special school district No. 1, in Spencer township, Medina county, to issue bonds and to increase the tax levy of said district.

WHEREAS, The board of education of special school district No. 1, in Spencer township, Medina county, Ohio, issued the bonds of said district to the amount of two thousand eight hundred dollars (\$2,800), dated December 26th, 1888, in denominations of two hundred and eighty dollars (\$280) each, with interest at six per cent. per annum, payable semi-annually, and due and payable as follows, to-wit: March 1st, 1890, and

semi-annually thereafter until paid; the proceeds of which were used to purchase a site and build a school house in said district; and

WHEREAS, The levy now authorized by law will not raise sufficient funds to support said school properly, and redeem the bonds at maturity; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of said special school district be and is hereby authorized to issue the bonds of said district, at such times and in such amounts as may be necessary to redeem the outstanding bonds as the same shall become due, in denominations of not more than two hundred and eighty dollars (\$280) each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and redeemable at a period not exceeding five years from the date of issue, to be sold at not less than their par value; and to increase the tax levy, if necessary, one mill on the dollar additional to that now authorized by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1461.]

AN ACT

To authorize the village of Port Jefferson, in Shelby county, Ohio, to borrow money and issue bonds therefor, for the purpose of sinking wells for natural gas, and purchasing and laying pipes, and supplying said village and the citizens thereof with natural gas for public and private use and consumption.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Port Jefferson, in Shelby county, Ohio, be and it hereby is authorized to issue its bonds, for an amount not exceeding three thousand dollars, for the purpose of sinking wells for natural gas and oil, purchasing and laying pipes, and constructing the necessary buildings, fixtures and machinery, to supply such village and the citizens thereof with natural gas and oil, for public and private use and consumption.

SECTION 2. Before such bonds or any part of them shall be issued, the question of issuing the same shall be submitted to a vote of the qualified electors of such village at a special election to be held at such time as the council of such village shall appoint. The tickets voted shall have written or printed thereon the words, "Authority to issue bonds—Yes;" "Authority to issue bonds—No;" if the proposition to issue bonds be approved by a majority of those voting upon the proposition, the village shall have authority to issue such bonds for the purpose named as provided in this act.

SECTION 3. The council of such village, within ninety days after the passage of this act, shall publish notice of the submission of such question

in one newspaper of general circulation in said village and by posting at least five written or printed notices of the time and place of such election, at least ten days prior to such election, and such election shall be held in all respects, not otherwise herein provided, as municipal elections are now required by law to be held in such village.

SECTION 4. Such bonds, when so authorized, shall be issued by the council of such village in denominations not less than one hundred nor more than five hundred dollars, payable in such times, not exceeding twenty years, as the council shall provide, with interest not exceeding six per cent. per annum, payable semi-annually, principal and interest payable at such place as the council may determine. They shall express upon their face the purpose for which, and the act under which issued, and shall be signed by the mayor and countersigned and registered by the clerk of the village, and shall not be sold for less than their face value.

SECTION 5. No more of such bonds shall be issued or sold than is necessary for and required by the actual cost and expense of sinking such wells, the purchase and laying of pipes, and other necessary expenses; they shall be [sold] from time to time as the work progresses, and in such amounts as shall be required and made necessary by the progress and for the proper completion of the works, and all proceeds and moneys arising from such bonds shall be used exclusively for and applied to the payment of the work, labor, material and other expenses necessary for the supply of gas and oil for the purposes aforesaid.

SECTION 6. All moneys collected or received by the trustees of gas works of said village or other persons authorized by said village to collect and receive the same from the village or citizens thereof for gas or oil furnished and used for public or private use, and all net income, revenue and profits arising therefrom shall be pledged and applied to the payment of such bonds and interest; as [and] the council of such village is hereby authorized to levy a tax annually, not exceeding three mills on the dollar on the taxable property within said village in addition to the tax now by law authorized to be levied in such amount as will each year be sufficient to pay the principal and interest then falling due upon such bonds and provide a sinking fund for the gradual extinguishment of such bonds.

SECTION 7. All moneys so applicable to the payment of such bonds which shall come into the hands of such boards of trustees or other person authorized to receive the same, before such bonds or any of them become due, shall be used to purchase such bonds, or invested under the order of the council as a sinking fund to be applied to the payment of such bonds as they may become due.

SECTION 8. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1459.]

AN ACT

To authorize the village of Ashtabula, Ohio, to issue and sell its bonds in any sum not to exceed twenty-five thousand dollars (\$25,000), for the improvement of the streets of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the village of Ashtabula, in the county of Ashtabula, and state of Ohio, be and it is hereby authorized and empowered to issue and sell the bonds of said village in any sum, but not to exceed the sum of twenty-five thousand [dollars] (\$25,000.00), for the purpose of improving the streets of said village.

SECTION 2. Said bonds, when issued and sold, shall not bear interest at a rate exceeding six per cent. per annum, interest to be payable semi-annually; said bonds to be of such denominations as the council of said village may prescribe; each and all of said bonds shall be made payable at such times and places as said council may prescribe by ordinance, but not to run longer than twenty-five years, from this date; said bonds shall not be sold for less than par, and the proceeds of the sale of said bonds shall be used only for the purpose of improving the streets of said village.

SECTION 3. Said bonds shall be signed by the mayor and attested and registered by the clerk of said village and shall express upon their face the purpose for and act under which issued. When said bonds are sold, the proceeds thereof shall be paid to the treasurer of said village, who shall hold and disburse the same as other village funds. Said bonds shall be sold from time to time and in such amounts as the council of said village may deem proper.

SECTION 4. If any bonds of said village are issued as herein provided, it shall be the duty of the council of said village, thereafter to assess and levy a tax, and if necessary in addition to that now authorized by law, on all the taxable property of and in said village of Ashtabula, sufficient to provide for the payment of the principal and interest of said bonds when due and payable, and said taxes shall be collected as other taxes of said village.

SECTION 5. Provided, however, before said bonds can be issued or sold the council of said village of Ashtabula shall submit the question of issuing the bonds aforesaid and making the improvements aforesaid to the qualified electors of said village at a regular, or a special election called and held for that purpose, of which election at least 10 days' notice shall be given by publication in two newspapers published and of general circulation in said village, which notice shall contain the time and place of holding such election; and if a majority of the electors voting upon said question shall vote in favor of the same, then, and not otherwise, shall the council of said village be authorized to issue the bonds as herein provided. Those voting in favor of the proposition to issue bonds for the improvement of the streets of said village, shall have written or printed upon their tickets the words, "Authority to issue bonds for street improvements—Yes;" and those voting against said proposition the words, "Authority to issue bonds for street improvements—No."

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1458.]

AN ACT

To authorize the council of the incorporated village of Ashtabula to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Ashtabula, in the county of Ashtabula, is authorized to transfer the sum of two thousand dollars from the water works fund of said village to the public building fund; the sum of fifteen hundred dollars from the police fund to the public building fund; the sum of one thousand dollars from the fire and water fund to the public building fund, and the sum of eight hundred dollars from the general fund to the public building fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1456.]

AN ACT

To amend an act entitled an act to authorize the council of the incorporated village of West Cleveland, Ohio, to issue bonds for the purpose of improving Detroit street in said village, and to repeal an act for the same purpose, passed April 11th, 1888, as amended March 21, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of West Cleveland, Cuyahoga county, Ohio, is hereby authorized to issue the bonds of said village in a sum not exceeding the sum of sixty thousand dollars, in such denominations as said council may deem fit, bearing interest at a rate not exceeding six per cent. per annum, payable annually, and redeemable at a period not exceeding twenty-five years from the date of issue. Said bonds shall

be signed by the mayor and countersigned by the clerk of said village, and shall be made payable at such place or places, as the council of said village shall by ordinance provide; and said bonds shall not be sold for less than their par value and may be issued and sold at such times and places and in such amounts as the council of said village shall provide by ordinance.

SECTION 2. The money arising from the sale of said bonds shall be used by the council of said village for the purpose of grading, curbing, paving and improving Detroit street, in said village, from a point in the easterly line of said village to the westerly line of the Lake Shore and Michigan Southern railway crossing in said village.

SECTION 3. Whenever the bonds of said village shall be issued, as provided in this act, it shall be the duty of the council of said village to levy a tax and assessment upon all property, lots, premises and hereditaments, abutting on said Detroit street between the limits mentioned in section 2 of this act, sufficient to pay the interest accruing, annually, on said bonds as issued, and to create a sinking fund for the payment of the principal of said bonds as the same shall fall due; provided, that said council may create said sinking fund whenever in its judgment it shall be necessary.

SECTION 4. That for the purpose of paying such amount or portion of said bonds as shall have been issued for the purpose of paving street and alley intersections, the council of said village may and is authorized to levy a tax upon all the taxable property in said village in addition to the amount allowed to be levied by law, to be placed in the Detroit street improving fund, and not to be otherwise appropriated.

SECTION 5. That an act entitled an act to authorize the council of the village of West Cleveland, Ohio, to issue bonds for the purpose of improving Detroit street in said village, passed April 11th, 1888, as amended March 21, 1889, be and the same is hereby repealed.

SECTION 6. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1481.]

AN ACT

To change the name of the village of Trenton, Tuscarawas county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the village of Trenton, Tuscarawas county, Ohio, be and the same is hereby changed to Tuscarawas.

SECTION 2. That said change in name shall in no way affect the rights, privileges and liabilities of said village.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1470.]

AN ACT

To authorize the council of the village of Russelville to issue bonds for the purpose of sinking wells for natural gas, and providing necessary mains and pipes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Russelville, in Brown county, Ohio, be and the same is hereby authorized to issue the bonds of said village in any sum or sums not exceeding two thousand dollars (\$2,000), bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, for the purpose of providing funds to defray the expense of sinking wells for natural gas, and laying necessary mains and pipes therefor; provided, however, that no bonds shall be issued or tax levied under the provisions of this act until the question of issuing said bonds shall have been submitted to the qualified electors of said village at an election to be held at such time after the passage of this act as the village council may determine; and twenty days' notice of such election and submission shall be given by the mayor of said village by posting written or printed notices in at least five public places in said village, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding said election; and if a majority of the electors voting at such election upon the question of issuing the said bonds, vote in favor thereof, then the said bonds may be issued and the said tax levied.

SECTION 2. Those voting in favor of the said proposition shall have written or printed on their ballots the words: "For the issue of bonds," and those voting against the same, the words: "Against the issue of bonds."

SECTION 3. The principal of said bonds shall be payable at such places and at such times, not exceeding ten years from the date of issue, as the council of said village may by ordinance determine; and the said council is hereby authorized to levy a tax upon all the taxable property of said village, to pay said bonds and interest; but such tax shall not exceed four mills on the dollar in any one year.

SECTION 4. Said bonds shall be issued in such sums as the village council of said village may by ordinance determine, and shall be signed by the mayor and countersigned by the clerk of said village, who shall make a record of the number, date and amount of each bond, and they shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1472.]

AN ACT

To authorize the trustees of Marion township, Hardin county, to transfer and use certain funds, to build a township house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Marion township, Hardin county, Ohio, be and they are hereby authorized to transfer the sum of three hundred dollars (\$300.00) from the road fund, two hundred dollars (\$200.00) from the bridge fund, and fifty dollars (\$50.00) from the poor fund, to the township fund, for the purpose of building a township house. And the said trustees of Marion township, Hardin county, Ohio, are hereby authorized to appropriate from the township fund, a sum, including the amounts above mentioned to be transferred, not to exceed six hundred and fifty dollars (\$650.00) for the purpose of building said township house.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1483.]

AN ACT

To authorize the council of the city of Wooster, Ohio, to transfer money from the sewer fund to the general revenue fund, also to the interest, and light fund of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the city of Wooster, Ohio, be and the same is hereby authorized to transfer, temporarily, to the general revenue fund of said city, the sum of seventeen hundred dollars (\$1,700), from the sewer fund; also to the light fund the sum of four hundred dollars (\$400), from said sewer fund; and to the interest fund the sum of one thousand dollars (\$1,000), from the sewer fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1485.]

AN ACT

To authorize the trustees of Green township, Wayne county, Ohio, to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Green township, Wayne county, Ohio, be and they are hereby authorized to transfer the sum of six hundred dollars (\$600) from the bridge fund to the general fund of said township.

SECTION 2. This act shall be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1488.]

AN ACT

To authorize the incorporated village of Willshire, Van Wert county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Willshire, Van Wert county, Ohio, be and the same are hereby authorized to transfer one thousand dollars from the sewer fund to the building fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1490.]

AN ACT

For the relief of Lucius Horner, a surety on the bond of B. D. Angell, late treasurer of Swanton township, Lucas county, Ohio.

WHEREAS, One B. D. Angell held the office of treasurer of Swanton township, Lucas county, Ohio; and

WHEREAS, Said Lucius Horner was one of the sureties on the bond of such Angell as such treasurer; and

WHEREAS, The term of said Angell as such treasurer expired on the 12th day of April, 1884, and said Angell had embezzled the money of said township in the sum of \$1,550; and

WHEREAS, Said Horner made good the said shortage of said township funds and was unable to recover, and did recover of said Angell only the sum of \$711.35, leaving a net loss to said Lucius Horner of \$838.65; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of said Swanton township are hereby authorized and required to submit, at the regular November election of 1889, after ten days' notice thereof given by notices posted in at least four conspicuous places in said township, to the qualified electors thereof, the question of reimbursing said Lucius Horner, and on an affirmative vote of sixty per cent. of those voting upon the proposition at said election, the township trustees of said Swanton township shall, at their next regular annual meeting thereafter, levy a tax on all the taxable property of said township, in addition to the taxes now authorized by law, to reimburse said Lucius Horner in one-half the said sum of \$838.65; and at their next regular annual meeting after said first levy, they shall, in like manner, levy a tax to reimburse said Lucius Horner in the residue of said sum of \$838.65.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1491.]

AN ACT

To authorize the council of the incorporated village of Wauseon to issue bonds for the purpose of improving Fulton street in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Wauseon, Fulton county, Ohio, is hereby authorized to issue the bonds of said village in a sum not

exceeding six thousand dollars, in such denominations as said council may deem fit, bearing interest at a rate not exceeding six per cent. per annum, payable annually, and redeemable at a period not exceeding fifteen years from the date of issue. Said bonds shall be signed by the mayor and countersigned by the clerk of said village; and shall be made payable at such place or places as the council of said village shall by ordinance provide; and said bonds shall not be sold for less than their par value, and may be issued and sold at such times and places and in such amounts as the council of such village shall by ordinance provide.

SECTION 2. The money arising from the sale of such bonds shall be used by the council of said village for the purpose of curbing, improving, paving and graveling Fulton street in said village, from a point, commencing at the northern limit of said Fulton street and running and extending to the southern limit of said Fulton street, to the intersection of said Fulton street, with Leggett street in said village.

SECTION 3. Whenever the bonds of said village shall be issued as provided in this act, it shall be the duty of said council of said village to levy a tax and assessment upon all property, lots, premises and hereditaments abutting on said Fulton street, between the limits mentioned in section 2 of this act, sufficient to pay the interest accruing annually on said bonds as issued; and to create a sinking fund for the payment of the principal of said bonds as the same shall fall due; provided, that said council may create said sinking fund whenever in its judgment it shall be necessary.

SECTION 4. That for the purpose of paying such amount or portion of said bonds as shall have been issued for the purpose of paving street and alley intersections, the council of said village may and is authorized to levy a tax upon all the taxable property in said village, in addition to the amount allowed to be levied by law, to be placed in the "Fulton street improving fund," and not to be otherwise appropriated.

SECTION 5. That this act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1493.]

AN ACT

To authorize the village of Willshire to issue bonds for the purpose of building a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Willshire, Van Wert county, Ohio, be and the same is hereby authorized to issue its bonds for an amount not exceeding one thousand dollars, for the purpose of building a town hall in said village.

SECTION 2. Such bonds shall be issued by the council of said village in denominations not less than one hundred dollars, and shall bear a rate

of interest not exceeding six per cent. per annum, and they shall not be sold for less than their par value, and shall be signed by the mayor and clerk of said village, and shall be payable within and not to exceed fifteen years.

SECTION 3. To provide for the payment of the principal and interest of said bonds when they shall become due, the council of said village shall levy a tax on all the taxable property in said village and [to be] collected as other taxes are collected.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1499.]

AN ACT

To authorize the incorporated village of Edison, Morrow county, Ohio, to issue bonds and build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Edison, Morrow county, Ohio, are hereby authorized to issue the bonds of said village in any amount not exceeding seven thousand dollars (\$7,000.00), at a rate of interest not exceeding six (6) per cent. per annum, and due in not to exceed fifteen years from their date of issue, for the purpose of building a town hall in said village. Said bonds shall be issued and sold according to law, and shall not be sold for less than their par value.

SECTION 2. The council of said village is authorized to levy, annually, on all the taxable property of said village, in addition to that authorized by law, an amount necessary to pay the interest and principal on the said bonds as the same may fall due. The said tax to be used only for the purpose of paying the interest and principal on said bonds.

SECTION 3. Before issuing said bonds the council shall submit the question of issuing said bonds to the qualified electors of said village at some special or general election, due notice of which shall be given by written or printed notices posted in not less than six (6) conspicuous places in said village not less than two weeks before said election. At said election those voting in the affirmative shall have written or printed on their tickets, "For issue of town hall bonds—Yes;" and those voting in the negative shall have written or printed on their tickets, "For issue of town hall bonds—No." If two-thirds of the votes cast at said election shall be in favor of the issue of bonds, then and only then shall the said council be authorized to issue the said bonds.

SECTION 4. This act shall take effect on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1509.]

AN ACT

For the relief of George L. Teeter.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the local directors of sub-district No. 6, of Washington township, Holmes county, Ohio, and the clerk of said township be and they are hereby authorized to issue their certificate and order on the township treasury of said township to George L. Teeter, of Knox county, for services as teacher in said sub-district, for the sum of one hundred and fifty dollars (\$150).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1510.]

AN ACT

To change the surnames of certain persons named therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the respective surnames of Charles Osberghaus, Caroline J. Osberghaus, his wife, Charles L. Osberghaus, William C. Osberghaus, Louis Osberghaus and Amelia C. Osberghaus, their children, all of whom are residents of Sandusky, Erie county, Ohio, be and the same are hereby changed so as to read as follows, respectively, to wit: Charles Osberg, Caroline J. Osberg, Charles L. Osberg, William C. Osberg, Louis Osberg and Amelia C. Osberg.

SECTION 2. That such changes of surnames shall in nowise affect the rights, privileges and liabilities of either of said persons individually and generally.

SECTION 3. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1462.]

AN ACT

To authorize the village of Ravenna, Ohio, to erect or purchase an electric light plant.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Ravenna, Ohio, be and is hereby authorized and empowered to erect or purchase an electric light plant for the purpose of supplying the streets, squares, alleys, public grounds and buildings, and all public places within the corporate limits, and for supplying the citizens of said village with light.

SECTION 2. For such purposes said council is hereby authorized and empowered to issue the bonds of said village in any sum not exceeding fifteen thousand dollars (\$15,000.00), bearing interest at six per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than their par value, shall be of such denomination and made payable at such times and at such place as the council may by ordinance prescribe. Said bonds shall be signed by the mayor of said village and attested by the clerk thereof and the seal of said village, and shall express upon their face the purpose for which they were issued.

SECTION 3. Said council is authorized to levy a tax on all the taxable property of said village sufficient to meet the annual interest on said bonds, and pay the principal thereof as the same falls due.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1484.]

AN ACT

To authorize the incorporated village of Orrville, Wayne county, to issue bonds, and to levy taxes for the payment of the same and the interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Orrville, Wayne county, be and the same is hereby authorized to issue the bonds of said village in a sum not exceeding six thousand dollars (\$6,000.00), and in denominations not less than fifty, nor greater than five hundred dollars, bearing interest at a rate not exceeding six per cent. per annum, payable annually, and redeemable within ten years; the redemption of said bonds to commence three years after the same have been issued; and the fund arising from the sale of said bonds shall be used in purchasing land, on which to erect necessary buildings for the division headquarters of the Wheeling and Lake Erie railroad in said village, and for meeting ex-

penses incurred in removing machinery, and in establishing said enterprise in said village.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be sold in such manner as the council shall decide, at not less than their par value. For the purpose of paying said bonds and the interest thereon, as the same shall become due, the council of said village is hereby authorized and empowered to levy a tax upon all the taxable property of said village every year during the time said bonds have to run, sufficient in amount to pay each year the interest thereon, and to redeem said bonds when the same shall become due.

SECTION 3. That before such bonds shall be issued, the question as to the issue of bonds for such purpose shall be submitted to the qualified voters of said village at a special election, of which ten days' notice shall be given in a newspaper printed and in general circulation in said village, designating the amount of bonds proposed to be issued, and the purpose for which issued. Those in favor of the issue of said bonds, for said purpose, shall have written or printed on their tickets at such election the words, "Issue of bonds—Yes;" and those opposed, "Issue of bonds—No;" and if two-thirds of the votes cast at said election shall be in favor of issuing such bonds, the council shall have authority at any time thereafter to issue and sell said bonds as herein provided.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1489.]

AN ACT

To authorize the commissioners of Delaware county, Ohio, to purchase real estate and buildings for a county children's home, and to issue bonds and provide for the management of the home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Delaware county are hereby authorized and empowered to purchase real estate, with suitable buildings thereon for a children's home, for the destitute children of said county, such as are by law entitled to be admitted to children's homes, and to take the title to said real estate in the name of the commissioners of said county, the same to be and remain the property of said county of Delaware, and they shall issue the bonds of said county in payment thereof, in a sum not exceeding fifteen thousand dollars; said bonds shall bear interest at the rate of six per cent. per annum, payable annually, and [shall be] in denominations of not less than one hundred dollars. The annual interest on said bonds shall be evidenced by coupons attached thereto. Said bonds

shall be payable in equal annual amounts, in a series of not exceeding ten years, and said bonds shall not be sold for less than their par value. [At the end of section 1 add] Provided, that the commissioners of said county, before issuing any bonds as provided in this act, or creating any indebtedness in anticipation thereof, shall, at some general or special election, after giving fifteen days' notice of said election by publication in at least two newspapers of general circulation and published in said county, of the time and places of such election, submit the question of purchase of real estate and buildings for county children's home to the qualified voters of said county. The ballots to be voted at said election shall have printed or written thereon the words, "For county children's home—Yes;" or, "For county children's home—No;" and if the number of votes cast at said election in favor of purchase of real estate and buildings for county children's home exceeds the number of votes cast at said election against purchase of real estate and buildings for county children's home, then, and not otherwise, the commissioners of said county shall be authorized to carry out the provisions of this act.

SECTION 2. When said commissioners have so purchased said real estate and buildings, they shall appoint five judicious women, residents of said county, who shall constitute a board of managers of said home, one of whom shall be appointed for the term of five years, one for four years, one for three years, one for two years and one for one year; and at the expiration of the term of any member of said board of managers, the said commissioners shall appoint a successor for the full term of five years. Any vacancy occurring in the board of managers shall be filled by the board of commissioners for the unexpired term. The said board of managers shall have the full control and management of said home, with full power to appoint, suspend and discharge all officers and employees therein, to fix and pay their salaries, to receive and disburse all moneys coming into their hands as such board of managers from any source, and shall keep a record of all moneys received and from what source received and expended, taking a proper voucher therefor signed by a majority of said board at a regular meeting thereof, and shall, on or before the 31st day of January of each year, file with the board of commissioners a full and itemized statement of all moneys received and expended, the number of children received and discharged from said home during the year ending on the 31st day of December preceding the making of said report, and such other statistical information as may be required by law.

SECTION 3. Said board of managers shall have full power to receive into said home the children and property of any home for destitute children in said county now maintained by charity, and the said board of commissioners shall appoint from the members of any such association five judicious women, who shall be named by such association, for the same term, and in like manner as said board of managers, who shall constitute a board of visitors of said county children's home, whose duty it shall be to visit said home at least four times per year and make their report in writing to said board of commissioners of the condition and management of said home, and they shall have the right [at] all times to visit and inspect said home, its books and management.

SECTION 4. Said commissioners of said county of Delaware shall not be liable for the maintenance of said home, but they may appropriate out of any moneys belonging to the general revenue fund of said county such sums, from time to time, for the maintenance of said home and the buildings thereof as they may deem proper, not exceeding in any one year the sum of three hundred dollars.

SECTION 5. If, at any time, the said board of managers desire to surrender up said home and its management to said commissioners, or if, in the opinion of said commissioners, said board of managers shall fail or be unable for any cause to manage and control said home so as to subserve the purposes for which the same was created, or, in their opinion, the same ought to be placed under the provisions of the general laws of the state of Ohio regulating children's homes, they are hereby authorized and empowered to organize the same under the general laws of the state of Ohio and the provisions as to the management, and said boards of managers and visitors shall thereupon cease and determine.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1502.]

AN ACT

To authorize the council of the village of Rock Creek, Ashtabula county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Rock Creek, Ashtabula county, Ohio, be and the same is hereby authorized to transfer the sum of one thousand dollars from the general fund of said village to the road fund of said village.

SECTION 2. This act shall take effect and be in force on and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1505.]

AN ACT

To authorize the commissioners of Guernsey county, Ohio, to levy a tax for certain road improvements in Liberty township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of making certain fills in Liberty township, on the road leading from the bridge across Wills creek west of the village of Kimbolton, a distance of six hundred feet, also a fill on the road leading

east and west on the north side of said Wills creek, crossing Falls run, a distance of three hundred feet, the county commissioners may, if in their judgment the public convenience requires such improvement, authorize a special levy not to exceed nine hundred (\$900.00) dollars on the grand duplicate of said Guernsey county for the purpose of making such improvements and to be expended as in their judgment they deem best as between the said fills.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1506.]

AN ACT

To amend an act entitled an act to authorize the village council of the incorporated village of Van Wert, Van Wert county, Ohio, to issue bonds and levy a tax for the purpose of providing said village with a system of public water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Van Wert, Van Wert county, Ohio, be and the same is hereby authorized to issue the bonds of said village in an aggregate sum not exceeding seventy-five thousand dollars (\$75,000.00), bearing interest at a rate not exceeding five per centum per annum from date of issue, said interest payable semi-annually, for the purpose of providing said village with a system of public water-works.

SECTION 2. The bonds shall be signed by the mayor of said village and countersigned by the clerk thereof, and shall not be sold for less than their par value, and shall be issued at such dates, respectively, as the council of said village may determine by ordinance, and said village council is hereby authorized to levy a tax upon all the taxable property of said village to pay said bonds and interest thereon when the same become due.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village for the purpose of purchasing the necessary grounds and constructing, paying for and maintaining water-works for said village, which water-works, when completed, shall be used, operated and controlled in such manner as may be prescribed by law and the ordinance of said village enacted in conformity therewith.

SECTION 4. Before such bonds shall be issued or tax levied, the question of issuing said bonds and the levying a tax therefor, the same shall be submitted to a vote of the qualified electors of said village at a regular election or a special election called for that purpose, as the council of said village may order, notice of such election shall be given by publication in one or more newspapers of general circulation published in said village (one of which shall be a daily paper of general circulation published in

said village). The tickets voted at said election shall have written or printed thereon, "Authority to issue bonds—Yes;" or, "Authority to issue bonds—No." If the proposition to issue bonds is approved by a majority of all the voters voting at said election, the council of said village shall have authority to issue the said bonds and levy the said tax as provided for in this act, but no levy shall be made to pay any part of the principal of the said bonds until after the expiration of ten years from the date of said bonds.

SECTION 5. The mayor of said village is authorized and required, within thirty days after the proposition to issue bonds is approved by a majority of all the voters voting at said election, to nominate four persons, citizens of said village, of well known and recognized ability, to act as water-works trustees, not more than two of whom shall belong to the same political party. They shall be nominated, one for one year, one for two years, one for three years and one for four years. The nominations shall be made at a regular meeting of said village council, and at the next regular meeting of said council, said council shall, by ballot, take a vote on the confirmation of said nominees, and if a majority of the members elected to said council shall vote in favor of the confirmation, then the four persons so nominated and confirmed as aforesaid shall constitute and be a board of water-works trustees. The mayor of said village shall be ex-officio a member and president of said board. The member appointed for one year shall serve until the first regular meeting of said council in June, 1890; the remaining three respectively until the next regular meeting in June, 1891, 1892, 1893, and until their successors are duly appointed and qualified.

SECTION 6. The mayor of said village shall, after the year 1889, annually, at the first regular meeting in May, nominate one person to be a member of said board, and the council of said village shall at their first regular meeting in June of each year vote on the confirmation of said nominee, and if he shall receive a majority of the votes of all the members elected to the council of said village, he shall be deemed duly appointed, and on a vacancy occurring in said board from any cause, the mayor shall forthwith nominate others to be voted upon by said council at its next ensuing meeting, on the confirmation as heretofore provided.

SECTION 7. The act entitled an act to provide for a system of water-works for the incorporated village of Van Wert, Ohio, passed January 18, 1889, be and the same is hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1507.]

AN ACT

To authorize the trustees of the Methodist Episcopal church, of Weymouth, Medina county, Ohio, to sell the property belonging to said church and distribute the proceeds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Methodist Episcopal church, of Weymouth, Medina county, Ohio, or a majority of them, be and they are hereby authorized to sell the church building and site, and all property of said church held by them, and to execute conveyances therefor, and collect and distribute the proceeds arising from said sale.

SECTION 2. This act shall take effect on its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 628.]

AN ACT

To authorize and empower the council of the incorporated village of Painesville to pave and improve certain streets therein, and to issue bonds of said village therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Painesville, Lake county, Ohio, be and it is hereby authorized and empowered to improve and pave Main, State, and St. Clair streets, in said village, or either of them, or so much of either or all of said streets as the said council, by resolution, shall declare and determine to be necessary or convenient or for the benefit of said village or its inhabitants.

SECTION 2. That for the purpose of providing for the cost and expense of said improvements mentioned in the first section of this act, and to pay for the same, the council of said village is hereby authorized and empowered to issue the bonds of said village in the sum not exceeding fifteen thousand dollars, in denominations of not less than one hundred dollars, and not more than one thousand dollars each, bearing interest at a rate not exceeding six per cent. per annum from the date of issue, payable semi-annually; the principal of said bonds to be made payable not to exceed twelve years from the date of issue of the same. The council of said village is hereby authorized and empowered to fix and determine by ordinance the amount of said bonds, the denomination of the same, the rate of interest, and the time when the principal thereof shall be made payable, under and within the limitations hereinbefore defined and prescribed.

SECTION 3. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall not be sold for less than their

par value, and for the purpose of paying said bonds and the interest thereon at maturity, the said village council is hereby authorized and empowered to levy a tax upon all the taxable property of said village. The funds realized from the sale of said bonds shall be used by the council of said village for the purposes specified in section one of this act, and for no other purposes whatever.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[Senate Bill No. 585.]

AN ACT

To authorize the council of the village of Lockland, in Hamilton county, to issue and sell the bonds of said village for the purpose of purchasing a suitable site and erecting thereon a town hall and offices for the officers of the corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Lockland, in the county of Hamilton, be and the said council is hereby authorized to issue the bonds of said village, not exceeding in amount \$25,000, to sell the same and use the proceeds thereof in purchasing a suitable site and erecting thereon such building or buildings as may be deemed necessary for a town hall and offices for the officers of the corporation.

SECTION 2. Said bonds shall be in such an amount, not exceeding \$25,000, in such denominations and payable at such time or times as said council shall determine. They shall bear interest at a rate not exceeding six (6) per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof; said bonds shall be signed by the mayor and countersigned by the clerk of said village, and shall be authenticated by the seal thereof.

SECTION 3. For the payment of said bonds and interest thereon, said council shall levy a tax, in addition to the amount otherwise authorized by law, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due that year, and the accruing interest.

SECTION 4. When the total amount of said bonds so to be issued in pursuance hereof shall have been determined by said council, and before any bonds are issued or tax levied, as provided by this act, the question of issuing the bonds shall be submitted to the qualified electors of said village, at an election to be held at such time, after the passage of this act, as the council may determine, and ten days' notice of said election and submission shall be given by the mayor of said village, by publishing said notice in a paper of general circulation in said village; said notice shall state the amount of bonds to be issued, and the time and place of

holding the election ; and if a majority of two-thirds of the electors voting at such election upon the question of issuing the bonds vote in favor thereof, then the bonds may be issued and the tax levied. Those voting in favor of the proposition shall have written or printed on their ballots the words, "For the issue of bonds;" and those voting against the same the words, "Against the issue of bonds."

SECTION 5. Said election shall be held and conducted in the same manner as is now provided by law for holding municipal elections, and the clerks and judges of said election shall certify to the council of said village the result of the same. If a majority of two-thirds of the electors voting at said election, as provided by section four of this act, vote in favor of said proposition the council shall proceed to advertise and sell said bonds, in such manner as is provided for by law for the sale of municipal bonds.

SECTION 6. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1512.]

AN ACT

To authorize the trustees of Copley township, Summit county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Copley township, Summit county, Ohio, be and they are hereby authorized to transfer three hundred dollars from the cemetery fund to the general fund of said township.

SECTION 2. This act to take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1515.]

AN ACT

To amend section 2 of act passed February 22, 1888, as amended April 3, 1888, to build a bridge across the Muskingum river at Stockport, Morgan county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be so amended as to read as follows :

Sec. 2. For the purpose of paying for the construction of said bridge the commissioners are hereby authorized to issue bonds of the county, at a rate of interest not exceeding six per cent. per annum, interest payable semi-annually; said bonds shall be issued in such sums as the commissioners may determine, but shall not be sold for less than their par value; said bonds to be paid within ten years of the date thereof, at the discretion of the commissioners, and the same shall be issued, signed and sold according to law.

SECTION 2. That section 2 of an act passed February 22, 1888, as amended April 3, 1888, be and is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

[House Bill No. 1513.]

AN ACT

To amend section seven of an act entitled an act to establish, provide for and maintain a public library in the city of Findlay, Hancock county, Ohio, which passed and took effect April 16, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section (7) seven of the foregoing entitled act be amended so as to read as follows:

Sec. 7. That whenever a library board shall be elected pursuant to the provisions of this act, the council of said city of Findlay shall have the power and hereby is authorized to levy and cause to be levied annually for library purposes as aforesaid a tax not exceeding five (5) tenths of one mill per dollar of the city valuation of real and personal property in said city, to be certified by said council according to law, and placed on the duplicate of the county auditor for collection, as other levies; but no funds derived from levies made, gifts, donations, conveyances or transfer of real or personal property shall come or go into the possession of or control of said library board or the treasurer thereof until the said treasurer of said library board shall have executed a good and sufficient bond to said city council with sureties thereon to be approved by said city council conditioned to account for and pay over all money which may come into his hands as such treasurer, and further do and perform all the duties incumbent upon him as such treasurer.

SECTION 2. That said original section seven (7) of said original act be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 15, 1889.

[House Bill No. 1514.]

AN ACT

To authorize the commissioners of Clermont county, Ohio, to purchase a site and build a jail and residence in the same for the sheriff of said county, and to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Clermont county, Ohio, are hereby authorized to purchase a site for, and construct a jail thereon, including apartments therein to be used by the sheriff or jailer of said county as a residence, at the county seat of said county, to-wit: At the incorporated village of Batavia, and plan for said jail shall be determined upon, and the contract for the building of said jail let, according to law, which contract shall require the building aforesaid to be completed as soon as practicable, at a cost for said site and building not to exceed thirty thousand dollars.

SECTION 2. That the said commissioners shall have [no] power to make an extra to any contractor for the building of said jail and sheriff's residence, or any part thereof; nor shall any change or alteration be made which shall affect the contract, unless the difference in the cost of said alteration or change be first agreed upon by the said commissioners and the contractor affected by said change or alteration; and no change or alteration shall be made which will increase the cost of said jail building and sheriff's residence therein over the sum of thirty thousand dollars.

SECTION 3. That the commissioners of said county, for the purpose of purchasing said site and constructing said jail and sheriff's residence therein, are hereby authorized to borrow such sum of money as they shall deem necessary, but not to exceed the sum of thirty thousand dollars, at a rate of interest not to exceed six per cent. per annum, interest payable semi-annually, and to issue bonds of said county to secure the payment of the principal and interest thereon; the principal of said bonds shall be paid at such times as the commissioners may prescribe within (10) years from the date of said indebtedness, at the village of Batavia, in the county of Clermont, Ohio; said bonds to be sold at not less than their par value; principal and interest shall be paid at the office of the county treasurer of said county.

SECTION 4. That the bonds so issued shall be signed by the commissioners of said county of Clermont, or any two of them, and countersigned by the auditor, with or without coupons attached, in sums of not less than fifty nor more than five hundred dollars each, payable to the bearer, with interest, as aforesaid, at such times not exceeding 10 years after their date, as the commissioners of said county may prescribe, and said bonds shall specify the object for which they were issued.

SECTION 5. The commissioners of said county of Clermont shall, annually, at their June session, levy such amount of taxes as will pay the interest on said indebtedness, and the principal as it becomes due.

SECTION 6. That said commissioners be and they are hereby authorized to remove and dispose of the materials of the old jail and sheriff's residence, or sell the same at public or private sale as they may deem best.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Passed April 15, 1889.

[Senate Bill No. 626.]

AN ACT

To change the name of Amelia Cooper, of Clermont county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Amelia Cooper (wife of Francis M. Cooper), a resident of Clermont county, Ohio, be and the same is hereby changed so as to be and read as follows, to-wit: Nora Cooper. That such change shall in no wise affect the rights, privileges and liabilities of said person.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed April 15, 1889.

JOINT RESOLUTIONS.

[Senate Joint Resolution No. 45.]

JOINT RESOLUTION

Relating to appointment of committee to wait upon governor.

Be it resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate and — on the part of the house be appointed to wait upon the governor and inform him that the general assembly is now in session and ready to receive any communication he may see fit to transmit.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted January 15, 1889.

[Senate Joint Resolution No. 46.]

JOINT RESOLUTION

Relating to a joint convention to count votes cast for state officers, first Tuesday in Nov., 1888.

Resolved by the General Assembly of the State of Ohio, That the two houses meet in joint convention in accordance with the constitution and statutes in the hall of the house of representatives on Wednesday, January 9th, A. D. 1889, at 11 o'clock A. M., and count the vote for state officers at the election held on the first Tuesday of Nov., A. D. 1888.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted January 15, 1889.

[House Joint Resolution No. 53.]

JOINT RESOLUTION

Relative to counting the vote cast for state officers in 1888.

Resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly unite in joint convention on Wednesday,

January 9th, 1889, at 11 o'clock A. M., and count the vote cast for state officers at the election held on the first Tuesday after the first Monday in November, 1888.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted January 15, 1889.

[House Joint Resolution No. 56.]

JOINT RESOLUTION

Relative to admission of Moses P. Barber to the Cleveland asylum for the insane.

WHEREAS, Moses P. Barber, a native of Ashtabula county, Ohio, aged twenty-nine years, became insane while residing at some place unknown in Arizona territory, and

WHEREAS, Under the laws of the state of Ohio he can not now be admitted to any asylum therein, and

WHEREAS, He has been committed to the infirmary of said county of Ashtabula, as a person whose being at large is dangerous to himself and others; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Cleveland asylum for the insane, be and he is hereby authorized and required to admit said Moses P. Barber to said asylum as an inmate of the same. And the superintendent of said infirmary is authorized to convey him to said asylum.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted January 15, 1889.

[House Joint Resolution No. 57.]

JOINT RESOLUTION

Relative to printing legislative manual.

Be it resolved by the General Assembly of the State of Ohio, That there be printed for the use of senators and members of the house fifteen hundred copies of the revised rules of the senate and house, including joint rules, names of members with post-office address and list of committees also that there be included therewith extracts from the constitution, laws and revised statutes of the United States, with the rulings of the courts thereon as found in the manual adopted by the sixty-seventh general assembly; that nine hundred of said copies be bound in muslin and six

hundred thereof be bound in Turkish leather in style substantially as printed and bound for the sixty-seventh general assembly.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted January 15, 1889.

[House Joint Resolution No. 60.]

JOINT RESOLUTION

Relative to transmission to the governor of Indiana of an act passed by the 67th general assembly of Ohio, asking for concurrent legislation in regard to draining certain lands.

WHEREAS, Large tracts of land located in the northwestern part of Ohio and northeastern portion of Indiana are lying almost in a condition of nature because of the almost total want of drainage due to the want of any concurrence in legislation, between the states of Ohio and Indiana for this purpose; and

WHEREAS, The 67th general assembly, at their adjourned session enacted the following law for this purpose:

[House Bill No. 948.]

AN ACT

To provide for the location of joint-county ditches between counties of Ohio and those of other bordering states passing concurrent acts herewith.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the commissioners of any county of this state shall find on file with the auditor of the county, a petition, or copy of one, signed by one or more landowners, whose lands would be assessed for the construction of the improvement prayed for, setting forth the necessity of the location, deepening or widening of any ditch, drain or water-course, for the reasons that the same will be of benefit to the public health, welfare or convenience, and describing the point of beginning, route and terminus thereof, together with a bond, with two sureties, approved by the county auditor in the amount of two hundred (\$200) dollars, payable to the state of Ohio, for the use of said counties, on the conditions that the petitioners, or their bondsmen, shall pay all costs incurred by said county, by reason of the view of said route petitioned for, if the prayer of said petition is not granted; and also, in addition to said petition and bond, a notice from the proper official of the county of an adjoining state, through which the route of said improvement, as described in said petition would pass, setting forth that the proper papers are filed, and that the proper board of that county is in readiness to act conjointly with them in the location, deepening or widening of said ditch, drain or water-course, they are hereby authorized and empowered to instruct the auditor of their county to consult with the proper official of the county or counties so desiring to act jointly, and to fix upon a time when and where

they shall meet the proper board of said county, and with them proceed to view the line of said route prayed for.

SECTION 2. It shall be the duty of the county auditor, on the filing of any petition and bond as aforesaid, to notify in writing, of the filing of said petition and bond, the proper official [of the county] of the adjoining state, and the auditor of any county of Ohio in which land is situated which will be affected by the prayer of said petition, a copy of each of which shall be attached thereto.

SECTION 3. Having received notice by the county auditor of said time and place of meeting, the commissioners shall proceed at the time stated to place of meeting agreed upon, and if they find a majority of each proper board present, they shall decide that they have a quorum present, and shall form themselves into a joint board for the purpose before them, by electing one of their number as president, and another as clerk; provided, that the president and clerk shall not both be selected from the board representing the same state.

SECTION 4. Without regard to number of each board present, the members from Ohio shall have the casting of one-half ($\frac{1}{2}$) of all votes on all questions, which vote shall be represented equally by the different members present of the board or boards from Ohio.

SECTION 5. If the board of the different counties of the state, or a quorum of the board of each county affected, fail to meet, they shall adjourn until such time as they shall receive notice, as provided in sections one (1) and two (2) of this act.

SECTION 6. Having resolved themselves into a joint-board, with the board or boards of other states, as provided for in section 3 of this act, and having found that a petition and bond conditioned, as required by law has been filed, they shall proceed to view the route petitioned for; and if they find the improvement so prayed for is necessary, and will be conducive to public health, welfare or convenience, and that the route prayed for is the best one to accomplish the desired relief, they shall proceed to locate the ditch, or order the widening or deepening of the ditch, drain or water-course in substantial conformity with the prayer of said petition. But if, in their opinion, the route described is not the best, they shall proceed to locate the improvement on the route best adapted to secure the relief desired, with the best contingent results, and may locate all the necessary branch ditches; but if they find against the location, deepening or widening of said improvement, no further proceedings shall be had under this petition, after said report, and the costs shall be collected of the petitioners and their bondsmen.

SECTION 7. The joint-board shall have authority to locate that part in Ohio of the main ditch, or any of its tributaries, which will lie partially in both states, or which will drain lands of both states.

SECTION 8. If the joint-board find it necessary to employ an engineer to determine the proper route on which the ditch or its branches should be located, they are authorized to do so; provided, that no engineer shall be employed by the joint-board until the said board have determined that such improvement is necessary for the public welfare, health or convenience.

SECTION 9. The joint-board shall have power to determine upon the necessary capacity of the part of said improvement located in the state of Ohio.

SECTION 10. In their view of route and deliberations over the same, the members of Ohio of the joint-board may adjourn from time to time, not exceeding in the aggregate sixty (60) days.

SECTION 11. The clerk of the joint-board shall make out a full report of their proceedings and findings, signed by himself and the president of the joint-board, which shall be read before the said board. A copy of this report shall be sent to the county auditor of each county affected in Ohio, and to the proper officer of each county affected in the other state.

SECTION 12. After the adjournment of the joint-board, if their report is in favor of the location, the members of said board from Ohio shall proceed to select a competent engineer, to meet one to be appointed by the proper authorities of the other said state joining with them in the proceedings.

SECTION 13. It shall be the duty of the engineer so appointed to file a bond, with the auditor of each county in Ohio, affected by said improvement, in the sum of one thousand (\$1,000) dollars, with two approved sureties to the same, conditioned to the faithful performance of his duties as said engineer.

SECTION 14. The said engineer shall proceed, with the duly appointed engineer from the adjoining state joining in the matter, to definitely mark out the line of said improvement by setting a stake at every one hundred (100) lineal feet, on the line of ditch and its branches. Each stake shall be numbered, beginning at head of ditch at "O," and numbering consecutively to outlet. Grade megs shall be set at or opposite such numbered stake, from which all measurements shall be based and permanent bench marks shall be established, on or near line of said ditch, at a distance not greater than two thousand (2,000) lineal feet. At each angle a stake shall be set, and witnessed by two permanent witnesses.

SECTION 15. They shall, on all the line of improvement within this state, take all the levels and notes necessary to, and shall make a plat and profile of all said line; which plat shall show the entire line of said ditch, with all angles accurately located, together with all fence, line, road or rail crossings, together with all lands or lots affected by this improvement, properly and accurately located thereon. The profile shall show the surface of grade megs, the depth of old ditch or stream, and depth of proposed improvement at each stake throughout, and the grade or fall of the bottom of proposed improvement. The report shall also include schedules, showing necessary widths, top and bottom, and depth at each stake, together with number of cubic yards in each one hundred lineal feet of ditch, and also the total number of cubic yards so to be excavated throughout the entire line of said ditch. The report shall also state the number of acres of land in each state adjudged by them to be affected by the improvement and benefited thereby, with a list thereof, showing description and ownership as shown on tax duplicate, together with their estimate of cost per cubic yard for work, and their estimate of total cost of construction of that part of ditch situated in each state, together with an estimate of total cost of location. They shall also in their report make an apportionment, as they may think fair and just, of the costs of location and construction between the two states.

SECTION 16. A copy of the said report of the engineers, embracing all the matters described within and duly certified to by each, shall be sent to the proper official of each county affected in each state.

SECTION 17. On the receipt of the report of the engineers as aforesaid, the auditor shall notify [] of the receipt of said report as in the case of filing of petition and bond, but need not send a copy of the report received. And shall proceed as provided for in sections 1 and 2 of this act, to fix upon a time and place for the meeting of the joint-board. After which he shall notify the commissioners of the reception of said report and the time and place of meeting.

SECTION 18. The joint-board on assembling, shall be governed by the same rules as provided elsewhere in this act. And they may call to their assistance the engineers who located the improvement.

SECTION 19. They shall approve, or amend and approve, of the report so filed by the engineers. And the report so approved by them, shall be a final division of the estimated costs of construction, and the entire costs of location between the states. They shall send a copy of their report, duly certified to by the president and clerk of the board, to the proper official of each county affected in the other state, and to the county auditor of each county affected in Ohio. Their adjournment shall be subject to a call of a majority of the members of either state, notice of which shall be given as provided for in preceding section.

SECTION 20. The proper authorities in the adjoining state, joining with the counties in Ohio, are hereby authorized and granted the privilege of entering upon lands or causing the same to be done in this state, along any portion of said located ditch or its tributaries, to perform any work which may be assigned them to do by the joint-board when in session, as provided for in this act.

SECTION 21. The commissioners of the county or counties in Ohio, affected by such improvement, shall proceed to order some competent engineer to make a division of said costs of location and construction so apportioned to Ohio, among the lands so affected as named in the list of lands affected, submitted by report of engineers of joint-board.

SECTION 22. The further proceedings shall be in conformity with the existing statutes for the location of county or joint county ditches taken at this stage of the proceedings. The commissioners, at their hearing on the apportionment made, as provided in section 20 of this act, shall have authority to assess any other lands not mentioned in first report of engineers, provided for in section 16 of this act, as they may deem to be benefited thereby; provided, that the owners of said lands shall have due notice thereof.

SECTION 23. The commissioners of any county or counties in this state, in which are located lands affected and charged for the improvement or construction of any ditch, drain or water course, under the provisions of this act, are instructed to cause to be performed any work which may be assigned to them outside of the limits of this state, in the same manner as under the existing statutes for similar duties; provided, that the necessary privilege to do so has been granted by the state legislature of the state where said lands are located through which the said work is to be constructed.

SECTION 24. The fees of all officials and assistants under this act, shall be the same as for like services in county ditch work.

SECTION 25. All claims for compensation and damages shall be filed with the county auditor on or before the day of hearing on the appor

tionment. And all such claims allowed, together with the costs of location actually incurred, shall be paid out of the county fund.

SECTION 26. This act shall be in force from and after its passage.

JOHN C. ENTREKIN,
Speaker of the House of Representatives.

S. A. CONRAD,
President of the Senate.

Passed March 21, 1887.

Therefore, *Be it resolved by the General Assembly of the State of Ohio*, That such concurrent legislation as circumstances may require by the legislature of our sister state of Indiana would be of great benefit in developing the section of country referred to.

Resolved, That the governor of the state of Ohio be requested to transmit a copy of the within referred to act together with these resolutions to the governor of the state of Indiana.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted January 18, 1889.

[Senate Joint Resolution No. 48.]

JOINT RESOLUTION

Relating to distribution of volume 6, geological survey.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of the state be and he is hereby authorized to furnish each senator and representative of this 68th general assembly of the state of Ohio, the allotted quota of volume VI geological survey of Ohio, who have not received them and which have been lost in transition.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted January 31, 1889.

[House Joint Resolution No. 62.]

JOINT RESOLUTION

Relative to establishing a fish hatchery on Lake Erie.

WHEREAS, The fresh water fisheries of Lake Erie are the greatest in the world; and

WHEREAS, The fishery interests are rapidly growing under a system of artificial propagation, in which our nation is second to none, and our state in the front rank in the sisterhood; therefore,

Be it resolved, That our senators and representatives in congress from Ohio, be requested to use their efforts to secure the establishment of a plant on Lake Erie for the taking of white fish spawn with which to supply the fish hatcheries on the chain of great lakes.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted January 31, 1889.

[Senate Joint Resolution No. 49.]

JOINT RESOLUTION

Relating to the deposit in the vaults of the Ohio treasury of the album of the late centennial celebration, &c.

Be it resolved by the General Assembly of the State of Ohio, That the state treasurer be and he is hereby authorized and required to receive and safely keep in the vaults of the treasury a small package encased in tin, containing the Ohio centennial album of the celebration at Columbus, Ohio, from September 4 to Oct. 19, 1888, and such package shall be delivered by the state treasurer in the year 1988, to any committee having charge at that place of the second Ohio centennial celebration.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted February 7, 1889.

[House Joint Resolution No. 40.]

JOINT RESOLUTION

Relative to the improvement of the Ohio river.

WHEREAS, The census of 1880 shows that there were in that year, in the seven states for which the Ohio river and its tributaries is the great national water highway, within half a million of, as great a population as were in the fourteen Atlantic states; and

WHEREAS, The government has for years expended large sums in improving the harbors and other navigation facilities on the Atlantic coast, and but limited amounts on the Ohio river; and

WHEREAS, The commerce and the tonnage of the Ohio is equal to the value of the import and export tonnage of the Atlantic coast;

Resolved by the General Assembly of the State of Ohio, That an equitable exercise of governmental duties demands that the same fostering care should be extended to the navigation needs of the Ohio river, as to the harbors and navigation facilities of the Atlantic coast, and is a just demand on the part of the people of the Ohio valley; and

WHEREAS, As the constantly increasing commercial needs of the Ohio and Mississippi valleys urgently require expansion of transportation facilities, and competition in trade call for cheapened cost of carriage; and

WHEREAS, As burden carriers the rivers give not only the greatest capabilities, but also the cheapest carriage;

Resolved by the General Assembly of the State of Ohio, That the utilizing of our rivers by making them available to the best development of their transportation capacity is a public necessity; and

WHEREAS, To allow individuals or corporations to maintain dams, locks or other engineering devices upon the Ohio and its tributaries or other rivers of the nation, and collect tolls for their use, would be in violation of the constitutional rights of the people to the untaxed use of the rivers as public property, and that as further the government hold under constitutional powers the right to control and regulate the navigation of the rivers;

Resolved by the General Assembly of the State of Ohio, That it is to the government the people can alone look to make those engineering devices, that will render the Ohio river all that it can be made for the needs and benefit of the commerce of the western and southern rivers;

Resolved by the General Assembly of the State of [Ohio,] That the expenditures by the government of such sums of money as may be necessary in securing a depth of not less than six feet of water, in all seasons, from Cairo, Illinois, to Pittsburgh, Pennsylvania, would not only be a wise expenditure of any surplus money of the government, but would receive the political support of the people of the fourteen Ohio and Mississippi states, directly interested in the navigation of the Ohio river and tributaries; and

WHEREAS, The states immediately interested paid up to 1865, over \$600,000,000, of internal revenue tax when the nation was in need, and subsequently large sums, making an aggregate of over one billion dollars, of which many millions were expended for the improvement of the sea-coast harbors and navigation, and but comparatively trifling sums on the Ohio;

Resolved by the General Assembly of the State of Ohio, That as in the nation's financial needs, the people were called upon to contribute equally to the wants of the government, so all could equally share in the governmental expenditures in the nation's prosperity for public benefit, and that as broad and liberal a policy should be extended to the improvement of the Ohio, as to the sea-coast; and

Resolved by the General Assembly of the State of Ohio, That in asking the government to expend upon the Ohio such sums of money as will make this important national river the great water highway between the east and the west that it can be, the people of the Ohio states are but asking a return in the national prosperity of but a small percentage of the immense sums they contributed in the hours of the government's financial distress.

WHEREAS, The movable dam, constructed by the government at Davis Island, near Pittsburgh, on the Ohio river, has now been for two years in successful operation, and meets with general approval; and

WHEREAS, The continuation of a system of similar dams to the mouth of the Ohio will, in the opinion of the U. S. engineers and the navigators of the river, secure a depth at all seasons of not less than six feet of water, from the head waters of the river to its mouth;

Resolved by the General Assembly of the State of Ohio, That we hereby request our representatives in congress to take such measures, and to vote for such enactments as will pledge the government to at once begin and promptly complete a system of dams, and that they instruct in such enactments the secretary of war to report to congress each session the sum of money that can be judiciously expended in each current fiscal year, to complete the system of dams at the earliest possible period.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted February 7, 1889.

[House Joint Resolution No. 64.]

JOINT RESOLUTION

Relative to the admission of Nimrod Inglin to the Toledo insane asylum.

WHEREAS, One Nimrod Inglin has become insane, and his insanity has assumed a form that renders it unsafe for him to be at large; and

WHEREAS, He was sent in such condition, on the 21st day of October, 1882, from the Ohio penitentiary at Columbus; and

WHEREAS, By diligent inquiry his place of residence can not be ascertained, and his relatives and acquaintances, if any, are wholly unknown; and

WHEREAS, He is confined in the county infirmary of Erie county, Ohio, where proper care and attention suitable to his case can not be given; and

WHEREAS, He should be confined in an asylum; and

WHEREAS, Under the statutes now in force, the said Nimrod Inglin is not eligible to admission to any insane asylum of this state, for the reason that he is not a legal resident thereof; therefore,

Resolved by the General Assembly of the State of Ohio, That the said Nimrod Inglin, having been adjudged insane, and in the Ohio penitentiary and sent to the Erie county infirmary, the superintendent of the Toledo asylum for the insane be and is hereby authorized and required to receive the said Nimrod Inglin into said institution for treatment, and if said patient recovers, return or deliver him to the proper authorities of Erie county, Ohio.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted February 7, 1889.

[House Joint Resolution No. 69.]

JOINT RESOLUTION

Relative to the propagation of fish.

WHEREAS, The subject of propagating and protecting fish with a view to increasing the product of healthful food for the people and developing an important industry has attracted the attention of congress and the legislatures of the several states; and

WHEREAS, Legislation upon this subject has resulted in a very large increase of such food supply, favorably affecting the price of meat supplies to the people, and has enlarged and given permanency to the fishing industry of the country; and

WHEREAS, The state of Ohio has been engaged for several years in the work of hatching and protecting fish in the waters of Lake Erie, with such success that the catch in some kinds of fish, notably white fish, has been more than doubled within three years; while some of the states bordering upon this lake have done little to increase or protect such fish; and

WHEREAS, All the states bordering upon this great inland sea, the best fishing territory in the country, are interested in this work and their co-operation is essential to the full success thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the legislatures of the states of New York, Pennsylvania and Michigan, are respectfully urged to co-operate in this good work, by the enactment of laws similar to those of Ohio, for the propagation and protection of fish in Lake Erie.

Resolved, That a copy of these resolutions be forwarded, by the governor of this state, to the governors of the states of New York, Pennsylvania and Michigan, with a request that they be laid before the legislatures of the states.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted February 8, 1889.

[House Joint Resolution No. 66.]

JOINT RESOLUTION

Authorizing the secretary of state to deliver 20 copies of vol. 6, to each member of the senate and house of representatives.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be and hereby is authorized to deliver (20) twenty copies of vol. 6, geological survey of Ohio, to each member of the house of representatives and to each member of the senate, from any copies of such publication now on hand in his office.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted March 1, 1889.

[House Joint Resolution No. 76.]

JOINT RESOLUTION

Instructing our senators, and requesting our representatives in congress to use all honorable means to secure the passage of a service pension bill.

WHEREAS, It is generally conceded that the pension laws of the United States now in force are sadly defective, in that they allow the same rate of pensions for a short time as for a long term of service, thus rewarding in the highest degree many men who have rendered no adequate service to the government, in the field, in the time of its greatest need and peril; and

WHEREAS, The long lapse of time since the close of the war has made it almost impossible to substantiate with necessary proofs many really meritorious and just claims; therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to favor the passage of a general service pension bill, such as shall be fair and just to all honorably discharged soldiers and sailors of the late war, and which will, in a measure, remove the temptation now existing for pension claimants to commit perjury and subornation of perjury.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted March 14, 1889.

[House Joint Resolution No. 75.]

JOINT RESOLUTION

To authorize the secretary of state to contract for the publication of certain volumes of the Ohio State Reports.

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio,* That the secretary of state is hereby authorized to contract with some responsible person or firm, within this state, to furnish the material and to print and bind a sufficient number of volumes 47 and 48 of the Ohio State Reports, to supply the state with three hundred and fifty copies of each of such reports, and the demand of the citizens of this state with such copies as may be desired by them.

SECTION 2. Such contract shall be made subject to the provisions of section 437 of the Revised Statutes of Ohio, as amended January 17, 1881 (78 v. 14), as to cost and otherwise; and the contract price shall include delivery, free to the state, at the city of Columbus, of the three hundred and fifty copies of each volume, so authorized to be contracted for, and also delivered free to any other purchaser at any point within this state.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted March 19, 1889.

[House Joint Resolution No. 67.]

JOINT RESOLUTION

To authorize the binding of 600 copies of the adjutant general's report.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and is hereby directed to cause to be bound in cloth, six hundred (600) copies of the annual report of the adjutant general of the state for the year 1888.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted March 29, 1889.

[House Joint Resolution No. 85.]

JOINT BESOLUTION

Relative to authorizing the commissioner of railroads and telegraphs to cause certain railroad maps to be printed.

Be it resolved by the General Assembly of the State of Ohio, That in addition to the railroad maps of Ohio, authorized to be printed by section 63 of the Revised Statutes, as amended, the commissioner of railroads and telegraphs be and he is hereby authorized to have printed seven thousand additional maps, one thousand of which shall be mounted on pasteboard, and one thousand bound in pocket edition; provided, that the cost of the additional maps shall not exceed seven hundred dollars, and that the same be paid out of the printing fund; and provided further, that of the additional maps, each member shall receive twelve copies, and the remainder shall be distributed by the commissioner.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted March 29, 1889.

[House Joint Resolution No. 87.]

JOINT RESOLUTION

Requesting the secretary of state to return H. B. No. 935.

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby requested to return to the house of representatives H.

B. No. 935, by Mr. Bird, for the purpose of correcting an error resulting from incorrectly re-engrossing said bill.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted March 29, 1889.

[House Joint Resolution No. 72.]

JOINT RESOLUTION

Relative to the transfer of inmates of northwestern hospital for the insane to the Toledo asylum for the insane.

Be it resolved by the General Assembly of the State of Ohio, That all persons now detained at the northwestern hospital for the insane who are proper subjects for admission and treatment at the Toledo asylum, shall be transferred to the same and the proper officers of said Toledo asylum are hereby authorized and directed to take control and assume care of such insane persons.

This resolution shall take effect on its adoption.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Adopted April 2, 1889.

[Senate Joint Resolution No. 62.]

JOINT RESOLUTION

Granting certain authority to the trustees of the Ohio state university.

Resolved by the General Assembly of the State of Ohio, That the trustees of the Ohio state university are hereby authorized and empowered to give consent to the laying of a double track between Chittenden avenue and Hudson street, along North High street, in the city of Columbus, by the Columbus Consolidated Street Railroad Company.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.
 WM. C. LYON,
President of the Senate.

Adopted April 3, 1889.

[House Joint Resolution No. 88.]

JOINT RESOLUTION

Providing for a roster of all marines connected in the war of the rebellion.

Resolved by the General Assembly of the State of Ohio, That the roster commission created by joint resolution adopted March 15, 1884, are hereby authorized and directed to include in said publication a complete roster of all officers and men from the state of Ohio, who served in the United States navy or marine corps during the war of the rebellion.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted April 3, 1889.

[Senate Joint Resolution No. 61.]

JOINT RESOLUTION

Relating to furnishing a copy of revised statutes to state commissioner [of] common schools.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and directed to furnish to the state commissioner of common schools one set of the latest edition of the revised statutes of Ohio, for use in school commissioner's office.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted April 3, 1889.

[Senate Joint Resolution No. 59.]

JOINT RESOLUTION

Extending the right hand of fellowship, on behalf of the state of Ohio, to the states recently admitted into the Union.

WHEREAS, North Dakota, South Dakota, Montana and Washington territories have recently been admitted as states into the Union, by act of congress; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the 68th general assembly of the state of Ohio hereby express their good wishes and approval, and extend to our sister states the right hand of fellowship of the state of Ohio.

Resolved, That the governor is hereby instructed to send a copy of this resolution to the official authorities of each of those newly admitted states.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted April 3, 1889.

[House Joint Resolution No. 70.]

JOINT RESOLUTION

Authorizing the trustees of the institution for feeble-minded youth to make investigations relative to purchasing land, and report the same to the governor.

Resolved by the General Assembly of the State of Ohio, That the trustees of the institution for feeble-minded youth be and they are hereby authorized to examine and report to the governor at as early a day as practicable, as follows:

First. Whether, in the judgment of said trustees, it is expedient to provide for the custodial care, by the state, of all idiotic paupers other than those provided for in said institution, on a farm to be purchased by the state for such purposes, instead of leaving the care of them to the county infirmaries.

Second. Whether such a farm can be purchased suitable for the purpose, consisting of not less than five hundred acres or more than seven hundred acres, within a convenient distance from said institution, and at what cost per acre; securing to the state, if practicable, the right to purchase such premises at the option of the general assembly; within a reasonable time to be stipulated.

Third. The probable cost of providing suitable buildings and improvements for the accommodation of said persons so to be cared for, including furniture and equipments for the same, and to what extent, in their judgment, the inmates of such an establishment for the custodial care of such idiots may be expected to be self-supporting, and to defray a part of the cost of such farm and other expenditures.

Fourth. What will be the probable annual cost per capita of sustaining said inmates independently of their earnings, and including all salaries, wages, expense of administration and contingent expenses.

Fifth. Could the trustees and superintendent of the institution for feeble-minded youth, without serious inconvenience and satisfactorily take charge of, and conduct such an establishment for the custodial care of idiot paupers as a department of the present institution, if authorized by law so to do.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted April 6, 1889.

[House Joint Resolution No. 83.]

JOINT RESOLUTION

Requesting the congress of the U. S. to enact a law, giving to some court or courts, criminal jurisdiction over that strip of country lying contiguous to Indian territory and known as "The Neutral Strip" or "No Man's Land."

WHEREAS, There is a strip of territory within the boundaries of the United States and lying contiguous to Indian territory, known as "The Neutral Strip" or "No Man's Land," and the same has been determined and held to be without the criminal jurisdiction of any of the various courts in the United States; and

WHEREAS, Said "Neutral Strip" has been, and is liable in the future to be, the scene of many murderous [murders], and other crimes against citizens of the United States, and the same is a resort, and place of refuge for murderers and other criminals fleeing from justice; therefore,

Be it resolved by the General Assembly of the State of Ohio, That our senators in congress be instructed, and our representatives in congress requested to favor, and secure if possible the speedy enactment of a law that will give to some federal, state or territorial court or courts criminal jurisdiction over this said "Neutral Strip" or "No Man's Land" and power to punish crimes that have been and may hereafter be committed therein.

Resolved, That the governor be requested to transmit a copy of these resolutions to each of our senators and representatives in congress.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted April 6, 1889.

[Senate Joint Resolution No. 53.]

JOINT RESOLUTION

Proposing amendments to the constitution of the state of Ohio, as to legislative apportionment, to be known as amendment No. 2.

AMENDMENT NO. 2.

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio*. That a proposition shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1889, to amend sections 1 to 11, inclusive, of article XI, of the constitution of the state of Ohio, so they shall read as follows:

ARTICLE XI.

Sec. 1. The apportionment for members of the general assembly shall be made every ten years, prior to the first election for members of

the general assembly in each decennial period, in the manner herein provided.

Sec. 2. During the month of February prior to the first election for members of the general assembly, in each decennial period, the members of the senate and house of representatives representing the two leading political parties respectively, shall meet in separate bodies, and each of said bodies shall designate two electors, who shall forthwith be appointed by the governor, and such four electors so designated and appointed shall constitute a commission, who shall ascertain and determine the ratio of representation for members of the house of representatives and senators, the number of representatives to which each county is entitled, and the boundaries of each senatorial district. Should any vacancy occur in such commission, the senators of the party making the original designation shall, within ten days thereafter, designate an elector to fill such vacancy, and he shall forthwith be appointed by the governor.

Sec. 3. The population of the state, as ascertained by the preceding federal census, or in such other manner as the general assembly shall direct, shall be divided by the number "one hundred and ten," and the quotient shall be the ratio of representation in the house of representatives for the ten years succeeding such apportionment.

Sec. 4. Each county shall be entitled to at least one representative; each county containing such ratio, and one-half over, shall be entitled to two representatives; each county containing two and one-half times such ratio shall be entitled to three representatives, and so on.

Sec. 5. Each county entitled to more than one representative shall be divided by such commission into as many districts as there are representatives apportioned to such county; and one representative shall be chosen from each district.

Sec. 6. Each representative district, in counties entitled to more than one representative, shall be composed of compact territory, bounded by ward or township lines, and as nearly equal in population as practicable; and each of such districts shall be numbered.

Sec. 7. The state shall be divided into not less than thirty-five nor more than forty senatorial districts, as herein provided, and each district shall choose one senator.

Sec. 8. The ratio for a senator shall be ascertained by dividing the population of the state by the number "thirty-five."

Sec. 9. Each senatorial district shall be composed of compact territory, as nearly equal in population as practicable, and except as to districts in counties entitled to two or more senators, shall be bounded by county lines.

Sec. 10. Each county having a population equal to three-fourths of one senatorial ratio shall constitute a senatorial district. Each county having a population equal to one senatorial ratio, and one-half over, shall be divided into two senatorial districts. Each county having a population equal to two and one-half ratios shall be divided into three senatorial districts, and so on; but no ward or township shall be divided in the formation of a senatorial district.

Sec. 11. The apportionment so made for members of the general assembly shall be reported to the governor, by such commission, within three months after their appointment, and the same shall be published in such manner as shall be provided by law.

SECTION 2. At such election those electors desiring to vote for such amendment shall have placed upon their ballots the words "Legislative single districts—Yes," and those opposed to such amendment shall have placed upon their ballots the words "Legislative single districts—No."

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted April 9, 1889.

[Senate Joint Resolution No. 52.]

JOINT RESOLUTION

Proposing an amendment to the constitution of the state of Ohio, as to taxation, to be known as amendment No. 1.

AMENDMENT NO. 1.

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio,* That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, 1889, to amend section 2, of article XII, of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE XII.

Sec. 2. The general assembly shall provide for the raising of revenue for the support of the state and local governments; but taxes shall be uniform on the same class of subjects. Burying grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars for each individual, may, by general laws, be exempted from taxation; and the value of all property so exempted shall, from time to time, be ascertained and published, as may be directed by law.

SECTION 2. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words "Taxation amendment—Yes," and those opposed to such amendment may have placed upon their ballots the words "Taxation amendment—No."

SECTION 3. This amendment shall take effect on the first day of January, 1890.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted April 9, 1889.

[House Joint Resolution No. 86.]

JOINT RESOLUTION

Relative to reserving riparian rights of the state for fishing purposes.

Be it resolved by the General Assembly of the State of Ohio, That hereafter in all sales of lands by the state of Ohio, such sales shall be made subject to a reservation of riparian rights, for fishing purposes, and that in all deeds of conveyance of all lands hereafter sold, the state shall insert the following condition and reservation, viz: Reserving, however, all riparian rights for fishing purposes.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted April 12, 1889.

[House Joint Resolution No. 91.]

JOINT RESOLUTION

To authorize the adjutant [general] of the state of Ohio to loan tents to O. G. Sherman Post of the G. A. R. at Westboro, Ohio.

Be it resolved by the General Assembly of the State of Ohio, That the adjutant general of the state of Ohio be and he is hereby authorized to loan (50) fifty tents to the O. G. Sherman G. A. R. Post of Westboro, Clinton county, Ohio, for a term of 10 days, to be used by them in a reunion of the 47 Ohio regiment to be held in the year 1889.

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted April 12, 1889.

[Senate Joint resolution No. 65.]

JOINT RESOLUTION

Relating to one set of Revised Statutes to be furnished to reporter of the supreme court by the secretary of state.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized and directed to furnish to the reporter of the supreme court of the state one set of the Revised Statutes.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted April 12, 1889.

[House Joint Resolution No. 92.]

JOINT RESOLUTION

Requesting secretary of state to return H. B. 1098.

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby requested to return to the house of representatives H. B. No. 1098, by Mr. Holmes, for the purpose of correcting an error resulting from incorrectly re-engrossing said bill.

E. L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted April 13, 1889.

[House Joint Resolution No. 78.]

JOINT RESOLUTION

Relative to printing the bulletins of the Ohio agricultural experiment station.

Be it resolved by the General Assembly of the State of Ohio, That the bulletins of the Ohio agricultural experiment station shall be printed under direction of the supervisor of public printing, and paid for out of the appropriation for state printing; said bulletins to be printed in advance of other matter, except the crop reports of the state board of agriculture; provided, that the average monthly edition of such bulletins shall not exceed 15,000 copies; that the total number of pages in such bulletins, and the annual report of the station shall not exceed 400 in any one year; and that the annual report of the station only shall be included in the annual report of the state board of agriculture; and provided, further, that the total aggregate expense for printing, binding and paper under this resolution shall not exceed the expense now incurred by the state for printing, binding and paper for said station.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

THEO. F. DAVIS,
President pro tem. of the Senate.

Adopted April 13, 1889.

[Senate Joint Resolution No. 55.]

JOINT RESOLUTION

Proposing amendments to the constitution of the state of Ohio, providing for biennial elections, to be known as amendment No. 4.

AMENDMENT NO. 4.

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio*, That propositions shall be submitted to the electors of this state on the

first Tuesday after the first Monday in November, 1889, to amend section 25 of Article II, section 18 of Article III, sections 2, 6, 7, 9, 10, 12, 13 and 16, and to create section 11 of Article IV, section 12 of Article VIII, sections 2 and 4 of Article X, and section 3 of Article XVI, of the constitution of the state of Ohio, so they shall read as follows :

ARTICLE II.

Sec. 25. The regular session of each general assembly shall commence on the first Monday of January next after it is chosen.

ARTICLE III.

Sec. 18. Whenever the office of secretary of state, auditor of state, treasurer of state, or attorney general becomes vacant, for any of the causes mentioned in section 15 of this article, the governor shall fill the vacancy by appointment for the residue of the term, or until the disability is removed.

ARTICLE IV.

Sec. 2. The supreme court shall, until otherwise provided by law, consist of five judges, a majority of whom, competent to sit, shall be necessary to form a quorum or pronounce a decision, except as herein provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo, and such appellate jurisdiction as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large, and for such term of even years as may be provided by law. Whenever the number of such judges is increased, the general assembly may authorize the court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; and such an assignment of cases shall be made to each division as a majority of all the judges may direct. A majority of each division shall be necessary to form a quorum; but whenever all the judges hearing a case in any division shall not concur in a decision, or whenever a case involves the constitutionality of a statute, or the construction of the constitution of this state or of the United States, it shall be reserved to the whole court for decision.

Sec. 6. The state shall be divided into judicial circuits of compact territory, bounded by county lines, in each of which the same number of circuit judges, residing therein, shall be elected by the electors thereof, and for such term of even years as may be provided by law. The circuit court shall be composed of such number of judges as may be provided by law, and shall be held in each county at least once in each year; and more than one court may be held at the same time in any circuit. A circuit judge may be assigned to hold court in any circuit. The circuit court shall have the same original jurisdiction as the supreme court, and such appellate jurisdiction as may be provided by law.

Sec. 7. A probate court shall be established in each county, which shall be a court of record, open at all times, and held by one judge, elected by the electors of the county, whose term of office shall be four years, and who shall receive such compensation, payable out of the county treasury, or by fees, or both, as may be provided by law.

Sec. 9. Justices of the peace shall be elected by the electors in each township, on the first Tuesday after the first Monday in November in the

odd years, and their powers and duties shall be prescribed by law. Their terms of office shall be four years, and shall commence on the first day of January next after their election. Vacancies occurring in the office shall be filled by appointment until the first day of January after the next election for township officers.

Sec. 10. All judges, other than those provided for in this constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term than six years.

Sec. 11. The judges of the several courts provided for in this constitution shall be elected in the even years, on the first Tuesday after the first Monday in November, and their terms of office, whether chosen for a full term, or to fill a vacancy, shall commence on the first day of January next after their election.

Sec. 12. The judges of the common pleas courts shall reside, while in office, in the district for which they are elected, and their term of office shall be six years.

Sec. 13. Whenever the office of a judge of any court provided for in this constitution becomes vacant before the expiration of the term for which he was elected, the governor shall fill the vacancy by appointment until a successor is elected and qualified; and such successor shall be chosen for the unexpired term, at the first election for members of the general assembly held more than thirty days after the vacancy occurs.

Sec. 16. The clerk of the common pleas court of each county shall, by virtue of his office, be clerk of all the courts of record therein, except the supreme court; but the general assembly may authorize the judges of the probate court to perform the duties of clerk of such court. [See Art. X, § 2.]

ARTICLE VIII.

Sec. 12. So long as the state shall have public works which requires superintendence, there shall be a board of public works, to consist of three members, and whose term of office shall be for such number of even years as may be provided by law.

ARTICLE X.

Sec. 2. County officers shall be elected in the even years, on the first Tuesday after the first Monday in November, by the electors of each county, in such manner, and for such term of even years, as may be provided by law. When a vacancy occurs in a county office it shall be filled by appointment for the remainder of the term.

Sec. 4. Township officers, and elective municipal officers, shall be elected in the odd years, on the first Tuesday after the first Monday in November, by the electors of each township or municipality, in such manner, and for such term of even years, as may be provided by law. When a vacancy occurs in a township or municipal office it shall be filled by appointment for the remainder of the term.

ARTICLE XVI.

Sec. 3. At the general election to be held in the year one thousand eight hundred and ninety-two, and in each twentieth year thereafter, the question "Shall there be a convention to revise, alter, or amend the con-

stitution," shall be submitted to the electors of the state, and, in case a majority of all the electors voting at such election decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

SCHEDULE.

SECTION 2. The governor, lieutenant governor, treasurer of state, and attorney general, chosen on the first Tuesday after the first Monday in November, 1889, shall hold their offices until the second Monday in January, 1893; and the members of the sixty-ninth general assembly shall hold their offices until the first day of January, 1893. The term of office of the auditor of state in office when this amendment takes effect shall terminate on the second Monday in January, 1893.

SECTION 3. The terms of office of the judges of the supreme court which would, but for this amendment, have terminated on the ninth day of February, in the years 1891, 1892, 1893, 1894, 1895, 1896, 1897, and 1898, shall, respectively, terminate on the first day of January, in the years 1891, 1893, 1895, 1897, 1899, 1901, 1903, and 1905; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their terms of office.

SECTION 4. The terms of office of the several judges of the circuit court which would, but for this amendment, have terminated on the ninth day of February, in the years 1891, 1893, and 1895, shall, respectively, terminate on the first day of January, in the years 1891, 1893, and 1895; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their terms of office.

SECTION 5. The present terms of office of the several judges of the probate court shall terminate on the first day of January, 1891, and their successors shall be chosen on the first Tuesday after the first Monday in November, 1890.

SECTION 6. The terms of office of the several judges of the common pleas court in office when this amendment takes effect shall terminate on the first day of January of the odd year, and those of the superior courts in the even year, nearest the time when their respective terms of office would, but for this amendment, have terminated; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their respective terms of office.

SECTION 7. The judges of the several courts, and all state, county, township, and municipal officers, in office when this amendment takes effect, shall continue in office until their successors are elected and qualified.

SECTION 8. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words "Biennial elections—Yes," and those opposed to such amendment may have placed upon their ballots the words "Biennial elections—No."

NOAH H. ALBAUGH,
Speaker pro tem. of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted April 15, 1889.

[House Joint Resolution No. 82.]

JOINT RESOLUTION

Relative to sine die adjournment of the 68th General Assembly.

Resolved by the General Assembly of the State of Ohio, That the 68th General Assembly shall adjourn, sine die, on Monday, the 15 day of April, at 12 o'clock.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Adopted April 15, 1889.

State of Ohio, Office of the Secretary of State, ss:

I, Daniel J. Ryan, as Secretary of State of the State of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the General Assembly of said State, and that the same are true copies, copied from the original rolls on file in this office, of the acts passed and the joint resolutions adopted by the Sixty-eighth General Assembly of the State of Ohio, at its adjourned session, begun and held in the city of Columbus, January 8, 1889, and ended April 15, 1889.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed my Official Seal, at Columbus, the 12th day of August, 1889.

[SEAL.]

DANIEL J. RYAN,
Secretary of State.

TIMES OF HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1889.

Counties.	County seats.	Circuit.	Circuit Courts.	Districts.	Subdivisions.	Courts of Common Pleas.
Adams	West Union	4	April 4, Nov. 20.	5	1	Jan. 1, Apr. 1, Oct. 1
Allen	Lima	8	June 4, Dec. 10.	8	1	Feb. 1, May 1, Nov. 1
Ashland	Ashland	5	April 9, Nov. 12.	5	2	Apr. 1, Sept. 1, Dec. 1
Ashtabula	Jefferson	7	Feb. 19, Oct. 15.	7	2	Jan. 1, May 1, Oct. 1
Athens	Athens	4	January 24, Oct. 1.	7	2	Feb. 1, Apr. 1, Nov. 1
Auglaize	Wapakoneta	3	May 6, October 21.	3	1	Jan. 1, Apr. 1, Sept. 1
Belmont	St. Clairsville	7	June 4, Dec. 10.	3	2	Feb. 1, May 1, Oct. 1
Brown	Georgetown	4	April 10, Nov. 25.	5	1	Jan. 1, May 1, Oct. 1
Butler	Hamilton	1	April 8, October 7.	2	1	Jan. 1, May 1, Oct. 1
Carroll	Carrollton	7	Jan. 22, Sept. 25.	9	1	Feb. 1, May 1, Nov. 1
Champaign	Urbana	2	April 22, Oct. 28.	2	2	Jan. 1, May 1, Oct. 1
Clarke	Springfield	2	June 8, Dec. 5.	2	3	Jan. 1, May 1, Oct. 1
Clermont	Batavia	1	April 1, October 1.	5	1	Jan. 1, May 1, Oct. 1
Clinton	Wilmington	1	April 29, Oct. 28.	2	3	Jan. 1, May 1, Oct. 1
Columbiana	New Lisbon	7	Jan. 15, Sept. 19.	9	1	Feb. 1, May 1, Oct. 1
Coshocton	Coshocton	5	April 23, Nov. 26.	6	3	Jan. 1, May 1, Oct. 1
Crawford	Bucyrus	3	March 5, October 8.	10	2	Jan. 1, Apr. 1, Sept. 1
Cuyahoga	Cleveland	8	Jan. 8, Oct. 28.	4	3	Jan. 1, Apr. 1, Sept. 1
Darke	Greenville	2	April 29, Nov. 11.	2	1	Jan. 1, May 1, Oct. 1
Defiance	Defiance	3	Feb. 19, Sept. 10.	3	2	Jan. 1, Apr. 1, Sept. 1
Delaware	Delaware	5	May 28, Dec. 17.	6	1	Jan. 1, Apr. 1, Sept. 1
Eric	Wadsworth City	6	Feb. 5, Nov. 12.	4	1	Feb. 1, May 1, Oct. 1
Fairfield	Lancaster	5	Jan. 8, Sept. 10.	7	1	Jan. 1, Apr. 1, Sept. 1
Fayette	Washington C. H.	2	May 20, Nov. 25.	5	2	Jan. 1, Apr. 1, Sept. 1
Franklin	Columbus	2	Jan. 7, Sept. 15.	5	2	Jan. 1, Apr. 1, Sept. 1
Fulton	Wauseon	6	May 20, October 25.	3	3	March 1, May 1, Nov. 1
Gallia	Gallipolis	4	Feb. 27, Oct. 28.	7	2	Jan. 1, Apr. 1, Sept. 1
Geauga	Chardon	7	Feb. 12, October 1.	9	3	Jan. 1, Apr. 1, Sept. 1
Greene	Xenia	2	March 11, Sept. 30.	2	3	Jan. 1, Apr. 1, Sept. 1
Guernsey	Cambridge	7	May 31, Dec. 5.	8	1	Feb. 1, Apr. 1, Oct. 1
Hamilton	Cincinnati	1	Jan. 7, Nov. 11.	1	1	Jan. 1, Apr. 1, Sept. 1
Hancock	Pindlay	2	April 18, Nov. 19.	10	1	Jan. 1, Apr. 1, Sept. 1
Hardin	Kent	3	May 14, Dec. 3.	10	1	Feb. 1, May 1, Oct. 1
Harrison	Cadiz	7	May 21, Nov. 28.	6	2	Jan. 1, Apr. 1, Sept. 1
Henry	Napoleon	3	April 2, Nov. 14.	3	2	Jan. 1, Apr. 1, Sept. 1
Highland	Hillsborough	4	April 23, Dec. 2.	5	2	Feb. 1, May 1, Oct. 1
Hocking	Logan	4	Feb. 7, Oct. 10.	7	1	Feb. 1, May 1, Oct. 1
Holmes	Millersburgh	5	April 18, Nov. 19.	6	2	Feb. 1, May 1, Oct. 1
Huron	Norwalk	6	Jan. 7, Oct. 28.	4	1	Feb. 1, May 1, Oct. 1
Jackson	Jackson	4	June 4, Dec. 20.	7	2	Mar. 1, May 1, Nov. 1
Jefferson	Steubenville	7	May 14, Nov. 19.	8	3	Feb. 1, May 1, Oct. 1
Knox	Mt. Vernon	5	Feb. 26, Oct. 15.	6	1	Feb. 1, May 1, Oct. 1
Lake	Painesville	7	Jan. 29, Oct. 4.	9	3	Feb. 1, May 1, Oct. 1
Lawrence	Ironton	4	March 7, Nov. 8.	7	2	Feb. 1, May 1, Oct. 1
Licking	Newark	5	March 5, Oct. 21.	6	1	Jan. 1, Apr. 1, Sept. 1
Logan	Bellefontaine	3	March 19, Oct. 15.	10	2	Jan. 1, Apr. 1, Sept. 1
Lorain	Elyria	3	May 14, Oct. 8.	4	2	Feb. 1, May 1, Oct. 1
Lucas	Toledo	6	March 4, Sept. 18.	4	1	Jan. 1, Apr. 1, Sept. 1
Madison	London	2	March 25, Oct. 9.	5	3	Feb. 1, May 1, Oct. 1
Mahoning	Youngstown	7	March 10, Oct. 22.	9	2	Jan. 1, Apr. 1, Sept. 1
Marion	Marion	3	Jan. 13, Sept. 18.	10	2	Feb. 1, May 1, Oct. 1
Medina	Medina	3	May 28, Oct. 22.	4	2	Jan. 1, Apr. 1, Sept. 1
Meigs	Pomeroy	4	Feb. 10, Oct. 22.	7	3	Jan. 1, Apr. 1, Sept. 1
Mercer	Celina	3	Jan. 28, Sept. 30.	3	1	Feb. 1, May 1, Oct. 1
Miami	Troy	2	April 2, Oct. 14.	2	2	Jan. 1, Apr. 1, Sept. 1
Monroe	Woodfield	4	March 27, Sept. 19.	3	2	Jan. 1, Apr. 1, Sept. 1
Montgomery	Dayton	2	June 17, Dec. 16.	2	2	Jan. 1, Apr. 1, Sept. 1
Morgan	McConnellsville	5	April 2, Nov. 5.	3	1	Mar. 1, May 1, Nov. 1
Morrow	Mt. Gilcard	5	May 14, Dec. 10.	3	2	Feb. 1, May 1, Oct. 1
Muskingum	Zanesville	5	March 19, Oct. 29.	3	1	Jan. 1, Apr. 1, Sept. 1
Noble	Caldwell	7	May 28, Dec. 3.	3	1	Jan. 1, Apr. 1, Sept. 1
Ottawa	Port Clinton	6	June 18, Dec. 2.	4	1	Jan. 1, Apr. 1, Sept. 1
Paulding	Paulding	3	March 25, Nov. 11.	3	2	Feb. 1, May 1, Oct. 1
Perry	New Lexington	5	May 7, Sept. 18.	7	1	Jan. 1, Apr. 1, Sept. 1
Pickaway	Circleville	4	May 1, Dec. 5.	5	3	Jan. 1, Apr. 1, Sept. 1
Pike	Waverly	4	May 23, Dec. 17.	7	2	Jan. 1, Apr. 1, Sept. 1
Portage	Ravenna	7	March 12, Nov. 6.	9	2	Jan. 1, Apr. 1, Sept. 1
Preble	Eaton	2	May 14, Nov. 19.	2	1	Feb. 1, May 1, Oct. 1
Putnam	Ottawa	3	April 9, Oct. 23.	3	2	Feb. 1, May 1, Oct. 1
Richland	Mansfield	5	Jan. 15, Sept. 24.	6	2	Jan. 1, Apr. 1, Sept. 1
Ross	Chillicothe	4	May 9, Dec. 11.	5	2	Jan. 1, Apr. 1, Sept. 1
Sandusky	Fremont	6	June 4, Dec. 16.	4	1	Jan. 1, Apr. 1, Sept. 1
Scioto	Portsmouth	4	March 14, Nov. 13.	7	2	Jan. 1, Apr. 1, Sept. 1
Seneca	Tiffin	3	May 21, Dec. 17.	10	1	Jan. 1, Apr. 1, Sept. 1
Shelby	Sidney	2	April 16, October 23.	3	1	Jan. 1, Apr. 1, Sept. 1

**TIMES OF HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS, ETC.—
Concluded.**

Counties.	County seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Stark	Canton	5	Feb. 12, Oct. 8.....	9	1	Jan. 7, May 6, Oct. 7.
Summit	Akron	8	April 15, Sept. 18.....	4	2	Jan. 7, May 6, Sept. 2.
Trumbull	Warren	7	April 30, Nov. 11.....	9	2	Feb. 11, May 27, Oct. 14.
Tuscarawas	New Philadelphia.....	5	April 30, Dec. 3.....	8	3	Jan. 15, April 18, Sept. 17.
Union	Marysville.....	3	Jan. 22, Sept. 24.....	10	8	March 4, May 27, Nov. 4.
Van Wert	Van Wert.....	3	Feb. 5, Oct. 8.....	3	1	Jan. 23, May 6, Oct. 7.
Vinton	McArthur	4	Feb. 13, Oct. 15.....	7	2	Feb. 4, April 29, Oct. 7.
Warren	Lebanon.....	1	April 22, Oct. 21.....	2	3	Feb. 4, May 13, Nov. 11.
Washington.....	Marietta.....	4	Jan. 15, Sept. 23.....	7	8	Feb. 4, May 6, Oct. 14.
Wayne	Wooster.....	5	Jan. 29, Oct. 1.....	6	8	March 4, Sept. 9, Nov. 23.
Williams	Bryan.....	6	May 13, Nov. 25.....	3	2	March 11, June 10, Nov. 7.
Wood	Bowling Green.....	6	May 27, Dec. 9.....	10	1	Feb. 25, May 20, Nov. 11.
Wyandot	Upper Sandusky ...	3	Feb. 12, Sept. 26.....	10	2	March 11, June 3, Nov. 18.

**THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.**

I, DANIEL J. RYAN, as Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times of holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1889, taken from the official lists returned by the judges of said courts to this office, as amended by acts of the Sixty-eighth General Assembly, passed at its adjourned session.

WITNESS my hand and official seal, this 12th day of August, A. D. 1889.

[SEAL.]

DANIEL J. RYAN,
Secretary of State.

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